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Two Special Reports:

Defeat at Fort Lincoln

A Case Study of a Housing Fiasco

Martha Derthick

The Trials of Marjorie Webster College

A Study in Educational Bureaucracy

James D. Koerner

Policy vs. Program in the '70's

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Revolution Instead—Notes on Passions and Politics

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The Distribution of Income in New York

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Defeat at Fort Lincoln

MARTHA DERTHICK

SITTING in the White House one morning in late August 1967, President Johnson had the sudden idea that housing for the poor might be readily built on surplus federal land in the cities. He turned to assistant, Joseph A. Califano, Jr., and instructed him to begin, here and now, in Washington, D.C. This was the start of the Fort Lincoln project, and of a national program of surplus land development for which Fort Lincoln was supposed to show the way.

The idea was brilliant in its simplicity. Local governments would acquire from the federal government sizeable tracts of land that were vacant, so there would be no need to assemble parcels or to relocate families and businesses. Because procedures for disposing of surplus federal land and programs to assist local development projects were already on the books, no new legislation would be necessary. Moreover, because the idea had originated with the President and had his personal support, the program already had the most valuable political asset it could have in official Washington.

Housing the urban poor had been much on the President's mind in that summer of riots. So had the apparent inability of American governments to deal with the problem. The President hoped that by supplying a critical resource—land—he could help housing construction along in a dramatic way. He also sought to act for the sake of showing that action was possible.

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The District, as the federal government's own city, seemed a promising place for the start. By the President's own action, a mayor and nine man council were about to replace the old board of three commissioners, and they presumably would be open to his influence because he would appoint them. A splendid site was readily available. The Department of Justice was about to vacate 335 wooded, rolling acres on the eastern edge of the District, where it had maintained a training school, and the General Services Administration (GSA) had declared the land to be surplus. But for the existence of this site Johnson might not have conceived of the surplus lands program at all. Finally, because the project was in the nation's capital, the White House staff and the Department of Housing and Urban Development (HUD) could monitor the project, and the District of Columbia could command the best expertise available.

At a White House briefing, reporters were told that the new community would take five to seven years to complete. Construction of the first part (Project One, the planners named it) would start early in 1968. *Two and a half years later, almost no construction has occurred.* A 120-unit public housing project for the elderly is being built in an isolated corner of the site, but whether anything will follow remains in doubt.

Why? Fort Lincoln was designed for action. It was a special project—a *presidential* project. It had the best talent available. Its chief consultant was Edward Logue, the man who rebuilt Boston and who is now head of New York State's Urban Development Corporation. It had the power of HUD behind it. Yet it all bogged down, and so has the surplus land program itself. The story is a case study of what happens when political leaders and planners set out to "demonstrate" how much they can do in an American city.

The weekend meeting

Following his conversation with the President, Califano called a meeting of high-ranking officials from the agencies that would be concerned with the program—GSA, the Department of Justice, HUD, the D.C. municipal government, the D.C. Redevelopment Land Agency (RLA), the National Capital Planning Commission (NCPC), and the National Capital Housing Authority (NCHA)—as well as the White House staff. Their immediate concern was to get the pilot project started. Beginning work on Friday, the group was instructed to produce a plan by Monday or Tuesday. It was the last weekend in August.

Those who met at the President's call were by no means unprepared. It had been known for more than two years that the training school site would become available, and District agencies, led by the RLA, had begun to consider its redevelopment. However, only two

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weeks before the President's unpredictable intervention, GSA officials had told the RLA that they would probably begin to dispose of the land in the spring of 1968, and that the RLA should wait until that date approached. "It was clear," an RLA official later recalled, "that if this thing were going to go you'd need some head-knocking."

When the President himself knocked heads, the thing went very fast indeed. Earlier discussion of the site had foundered on two problems. One of these was GSA's price. By law GSA had to sell the land at fair market value, but if the site were to be developed with low-income housing, as the RLA, NCPC, and D.C. government wished, it would have to be sold for less than that. The other problem was whether redevelopment could be subsidized with federal urban renewal funds. Because the land was largely empty, it could not qualify as a "blighted" urban area. It could qualify as an "open-land" project—but this would entitle the District only to loans, not grants, and without grants the District government feared it would not get enough additional money from Congress to finance the project. RLA officials had hoped for a third possibility—that the site might qualify as a "predominantly open-land" project, which, like a conventional project, would be eligible for grants. Early in 1966, however, HUD regional officials had declared the site ineligible.

Now both problems yielded to presidential pressure. HUD simply changed its mind. Walking the site on Sunday morning while the President awaited a response, officials from Washington headquarters decided that the site could indeed qualify as a predominantly open-land project. The weekend meeting arrived at no definitive conclusion about the price of the land, but everyone, including several agency counsels and the administrator of GSA, seemed to agree that a solution could be found. Officials from HUD and the RLA, at least, understood that GSA would sell the land for "fair value in accordance with its intended use," meaning that GSA would simply lower its asking price to a point where construction of low-income housing would become feasible.

Everyone at the weekend meeting agreed that the general objective should be to develop the site as a "balanced" community, offering housing for occupants of varying incomes and incorporating a mixture of land uses. White House staff members did not object to this notion even though the President's idea apparently had been to produce the greatest possible amount of housing for the poor. Stephen J. Pollak, the President's special assistant for national capital affairs, recalls that when he first heard of the project—on Friday, from a member of Califano's staff—it was to be a vast low-income housing development. "I said, 'wait—my God, you can't use it all for public housing! That would be a disaster. You'd just create a great big ghetto.' " When Pollak stated this view, no one disagreed.

To demonstrate its commitment to action, the White House in-

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sisted on beginning construction of one segment right away. Some feared that this would complicate planning for the rest of the project and, if this initial development were to consist mainly of public housing, provoke opposition from nearby residents. But because it was President Johnson himself who wanted a fast start, debate was pointless. That question had already been decided.

The group summarized its conclusions in a memorandum for the President and assured him that, although many details remained to be worked out, the thing could be done. Enclosed with the memorandum was an "action plan," a schedule of agency actions through November 15, 1968, when the D.C. government and HUD would approve the total plan. Eight federal and District officials signed it, beginning with Robert C. Weaver, Secretary of the Department of Housing and Urban Development.

The official announcement

On August 30, less than a week after discussing it with Califano, the President announced the plan to the public. The site in Washington would become a "new, attractive, and well-balanced community" with "modern housing and services for about 25,000 citizens." A cabinet-level task force would survey federal property in other metropolitan areas and "evaluate the prospects for transforming these lands into vital and useful community resources."

The President did not speak specifically of the need to house the poor—the emphasis was on "balance"—but the figures he gave suggested that balance at Fort Lincoln would favor the less well-off. There would be 1500 low-income housing units, 2200 moderate-income units, and only 800 high-income units. The District commissioners' simultaneous press release confirmed this impression. It said that the first development would contain about 250 units of public housing and about 150 moderate-income units. (The term moderate-income housing referred to units that would be built under the federal government's 221(d)(3) program, which authorizes mortgage insurance at below-market interest rates.)

As the punsters who called it "Fort Lyndon" understood, the project was to be the administration's monument in Washington. When the plans were announced, President Johnson was expected to remain in office for another term, and the estimated time of completion roughly coincided with the expected life of his administration. After President Johnson's decision not to run again and the election of a Republican successor, the President's personal commitment to the project could have become a political liability. A new administration, it might be thought, would not proceed with the project unless it could distinguish the undertaking as its own; and it is certainly the case that the Nixon administration has been cool to the project. But

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this narrowly political explanation for the Nixon administration's lack of enthusiasm does not suffice. Had Fort Lincoln gained the momentum hoped for during the Johnson years, the next administration would have had no choice but to carry it out. Fort Lincoln was in trouble well before the change of presidents. In fact, it was in trouble from the time work began on it.

The milieu of Fort Lincoln

The Fort Lincoln site was bounded on the south by the Anacostia Park and the National Arboretum, and on the northeast by a cemetery and a park. On the west and northwest, however, lay a largely residential area. Developed in the 1920's with small, single-family dwellings, it had been occupied for a generation by whites. Then, in the 1950's, many of the whites moved to the suburbs and were replaced by Negroes, newcomers not only to the neighborhood but also to home-ownership. By the late 1960's they were a large majority. Sociologically and geographically, the area rested uneasily at some middle point on the metropolitan spectrum, its residents aspiring to the suburbs but fearful of reverting to the slums.

The neighbors of the site would probably have preferred that it not be redeveloped at all. But if it had to be redeveloped, they strongly preferred a use that would help secure the middle-class character of their area. In 1965-66, they had opposed construction of a Government Printing Office plant, which would have attracted a large working-class population, and had favored instead a campus for the District's new Federal City College. If they had opposed the GPO plant, it was a foregone conclusion that they would also oppose public housing.

Like other large American cities, Washington in the 1960's had felt the impact of two major political movements: civil rights at the beginning of the decade, and participatory politics toward the end of it. Washington seemed particularly vulnerable to these movements, partly because it was the nation's capital, but even more because the issues they raised were especially salient to the city's own condition. More than half of Washington's population was Negro, and all of its residents were denied self-government. Throughout the decade, District government and politics had changed in response. President Kennedy appointed the first Negro commissioner; Washington residents got the right to vote in presidential elections; the amount and militancy of Negro political activity increased; local political issues, especially housing and highways, were matters of controversy more often and more intensely; and cleavages of class, race, and party became more visible. Local affairs in Washington, previously the quiet preserve of a few bureaucrats, were rapidly becoming popularized and politicized.

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The impending reorganization of District government was part of this process. Because the mayor and council would be appointed by the President rather than popularly elected, the change of form did not constitute "home rule," yet it was understood to be a step in that direction. The new government was expected to be more representative of the populace and more responsive to popular sentiment, especially the sentiment of Negroes. Both the new mayor, Walter Washington, and a majority of the city council were Negroes.

The urban renewal program in particular was opening up to popular influence. In Washington as elsewhere, urban renewal had begun in the 1950's as a program that destroyed the decayed housing of the poor and replaced it with new housing for the rich. Critics assailed this bias, and a reaction set in. Clearance began to give way to rehabilitation; low- and moderate-income housing began to be built as well as luxury housing; and administrators increasingly committed themselves to "planning with people." In Washington this change was best illustrated by the Shaw project, begun in the mid-1960's. Covering 675 acres near the center of the city, it emphasized rehabilitation, construction of low- and moderate-income housing, improvement of social services, and job training. But what distinguished it most of all was the extent to which it encouraged citizen participation. Much of the planning was to be done by the Model Inner City Community Organization (MICCO), which had been formed by a Negro minister and civil rights leader, Walter Fauntroy, whose church was located in the renewal area. In the spring of 1967 the RLA had agreed to give MICCO $200,000 a year to help plan the Shaw project and to organize citizen participation. The arrangement was solid evidence of the RLA's commitment to citizen participation, a commitment that executive director Thomas Appleby frequently affirmed since coming to the District from New Haven in 1965.

Predictably, Appleby and other local officials sought to engage neighborhood residents in planning the Fort Lincoln project. About a week after the President's announcement, the NCPC staff drafted a plan for the creation of two citizen advisory committees, one citywide and one from the neighborhood, and each to be made up of representatives of civic organizations. And on September 8, Appleby wrote an urgent letter to Stephen Pollak, the President's assistant in charge of District affairs: "I think it absolutely essential," he declared, "that all of the public agencies involved reach agreement on the extent and nature of the initial citizen participation in planning for the national training school site. . . . There are differences between this vacant land project and the Shaw Area which must be reflected in this citizen participation process, but the necessity for involving people in the planning must be made clear." Appleby anticipated that there would be opposition to Project One, but he believed that this ought not to deter local officials from seeking

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neighborhood citizens' involvement. Hesitation would "affect the believability of the citizen participation proposition."

These early efforts to formulate a citizen participation strategy came to nothing. Everyone seems to have assumed that citizen participation should be the business of the new District Government, but this government did not yet exist. The mayor and deputy mayor were not confirmed by the Senate until September 21 (and the councilmen not until November) and so were in no position to create citizen committees or otherwise take initiatives. Thus, it was left to citizen entrepreneurs to get involved in the project in ways and at times of their own choosing.

Enter MOCCO

Within the neighborhood, the President's initial announcement aroused apprehension, and as Project One gained momentum this apprehension grew. On September 28, two weeks after the National Capital Planning Commission (NCPC) had adopted a plan for Project One and a few days before the District commissioners were to hold a hearing on it, a neighborhood meeting considered the project. The consensus was that representatives of the neighborhood should oppose it. According to an observer from the Redevelopment Land Agency (RLA), residents were especially concerned about the effect on their schools, which were already crowded and which the Board of Education had not enlarged despite what the neighborhood took to be its promises to do so. In any case they objected to public housing *per se* and were not mollified by a promise from the NCPC that they would be involved in planning.

At least one resident saw in Fort Lincoln not just a threat to his neighborhood's life-style but also an opportunity to share in the benefits of government. This was Kenneth C. Kennedy, a former member of the Daley machine in Chicago who in 1959 had resettled in Washington. Although the District offered only a pallid substitute for the local party politics of Chicago, Kennedy nevertheless continued as an active partisan. During the early 1960's he served as Democratic precinct committeeman, and in this capacity he provided (to the extent possible) services and favors for neighborhood residents in the manner to which Chicago had accustomed him. As the politicization of Washington proceeded and as federal money flowed into the city's Negro neighborhoods, the possibilities for this kind of activity increased.

Kennedy had served as spokesman for the neighborhood when it opposed construction of the Government Printing Office plant. Now that Fort Lincoln had been proposed, he renewed his activity. He sent a telegram to Pollak asserting the neighborhood's right to be involved in planning, and in mid-September he formed an organiza-

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tion after the pattern of Rev. Fauntroy's MICCO, hoping, obviously, that it would be similarly favored with public funds. Its name was the Model Outer City Community Organization—MOCCO for short.

Along with some co-founders of MOCCO, Kennedy met several times in September with the NCPC staff and with Walter Washington and Thomas W. Fletcher, who were waiting to take office respectively as mayor and deputy mayor and were, in the interim, conducting city business as best they could. The group reviewed the NCPC staff's preliminary plans for Fort Lincoln and talked in general terms about citizen participation. Local officials seemed quite ready to acknowledge the legitimacy of Kennedy's self-appointed role. Appleby, for instance, wrote to Pollak that Kennedy "should be notified of all of our proposals and plans, inasmuch as he appears to be the leading spokesman in the neighborhood." Officials anticipated no difficulty in working with him—not even after he had shown an aptitude for protest at a public hearing on Project One in early October. Kennedy had prepared for this occasion a statement opposing the project, but instead of delivering it he chose to lead a walkout of 70 northeast residents and miscellaneous protestors. Yet even as he did so, he appeared to promise cooperation in the future. His action was less a protest against Project One than it was a protest against dealing with the lame-duck government. His main demand was that the hearing be postponed until the new government took office. Apparently he and his followers expected a more favorable response from the incoming mayor and council than from the outgoing commissioners.

Later developments seemed to confirm the wisdom of this strategy. Following its first hearing on Fort Lincoln late in November, the new council—charged by its chairman to act "as if in fact we were elected to our office"—proved responsive to citizen pressure. Early in December it enacted a resolution which stipulated that planning for Fort Lincoln should be carried out in cooperation with citizen groups; that the Board of Education should accelerate school construction; that the benefits of urban renewal should extend to the adjacent area; and that, to prevent creation of a "ghetto," the RLA should consider the feasibility of dispersing the first public housing occupants in Project One after completing the project.

Meanwhile, Mayor Washington had strongly committed himself to citizen participation in general and, as it seemed, to Kennedy in particular. At the end of November, HUD granted the RLA nearly $900,000 in planning funds, and when Mayor Washington announced receipt of the grant, he promised "maximum citizen involvement in all phases" of Fort Lincoln's development. By the mayor's special invitation, Kennedy sat beside him as the announcement was made. The next day, Kennedy met with RLA and NCPC officials to discuss MOCCO's role in planning, and Appleby promised to send him a

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statement of the government's proposals for citizen participation in the Fort Lincoln project.

At this point, the RLA very nearly offered Kennedy a contract. The terms would have required negotiating. Kennedy sought as large a role, and as generous a grant, for MOCCO in the Fort Lincoln project as MICCO had had in Shaw. In addition to conventional measures of citizen participation, Kennedy's proposal envisioned MOCCO sponsorship of housing construction and an apprenticeship program in the construction trades. RLA and NCPC officials had the impression that Kennedy expected to receive $240,000.

To the RLA, however, MICCO and MOCCO were not parallel cases. MICCO represented persons who lived *in* a renewal area, whereas MOCCO would represent persons who merely lived *near* one. Moreover—and this was a point to which the RLA attached much importance—residents in the MOCCO area, unlike those in Shaw, were not poor. As the RLA conceived it, participation in planning was therapy, a way of imparting organizational skills to the participants and thus of helping them to overcome social problems. The middle-class MOCCO area was less afflicted with problems than the Shaw area and less in need of this kind of help. Such was the RLA's estimate of the competence and altruism of the Negro middle class, in fact, that one RLA analysis suggested that a good way for MOCCO to participate in the Fort Lincoln project would be to "welcome" new, presumably lower-class residents to the project and help them form their own organizations.

With these distinctions in mind, RLA officials prepared to offer Kennedy $10,000 to cover MOCCO's expenses for two or three months while it got organized and planned its activities. These were to be of two main kinds: a code enforcement program, which the RLA proposed as a way of putting some funds into the MOCCO area and protecting it from the public housing to come; and citizen review of plans for the Fort Lincoln development. Once these activities were under way, MOCCO would get a second grant of about $50,000 for a seven- or eight-month period. Though this was much less than Kennedy wanted, the RLA thought it would be enough to satisfy him.

Confusion—and a settlement

As it happened, Kennedy was offered nothing at all. Before the RLA had finished preparing an offer, it received a letter from a rival neighborhood leader—Jesse Jackson, president of the Gateway Community Association—denying that MOCCO even existed, let alone that it had the support of residents of the northeast. Kennedy's organization, Jackson charged, was a "myth"; and even if it were real, the Gateway Community Association had "no wish to be represented by

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Mr. Kennedy." Encouraged by an NCPC "community relations expert" who had come to doubt the depth of Kennedy's following, Jackson proceeded to form his own imitation of MICCO and to submit a prospectus to the RLA.

Confronted with this new claimant, the RLA delayed a response to Kennedy until the end of December, when it insisted that any organization for citizen participation must be "representative of all northeast community interests." The RLA would offer a contract "once a group truly representative of the community had been established." If Kennedy wanted to come to terms with the RLA, he would have to come to terms with Jesse Jackson first.

For the next six months, the issues of citizen participation—how it could be arranged, and how the claims of rival "representatives" could be settled—dominated the planning and politics of Fort Lincoln. That participation must be achieved was taken for granted by all public officials. The President's announcement had promised it, federal urban renewal regulations required it, HUD officials were pressing for it, and Washington and Appleby were personally committed to it. In theory, of course, citizen participation might have been achieved through a city-wide organization; and eventually, District officials would decide that this was preferable. But for now they were preoccupied with the problem of *neighborhood* participation, and the surest route to prompt citizen participation, therefore seemed to lie in settling the conflict between Kennedy and Jackson.

Had Jackson been able to gather a large following the RLA might have abandoned Kennedy for him, but he too found it difficult to establish his credentials as a neighborhood leader. When he called a meeting in mid-December to launch his own version of MICCO, only 20 people showed up, among whom two were policemen and two were representatives from the RLA and NCPC. An employee of the Bureau of Mines who had only recently moved to the District from Nevada, Jackson had no conspicuous talent for rhetoric or organization. Kennedy seemed skilled by comparison; indeed, his handicap in the neighborhood was not an inability to accumulate power but rather a growing suspicion that he abused it. As chairman of the Northeast Neighborhood Planning Council, he had made enemies dispensing Neighborhood Youth Corps jobs, and there were even charges of kickbacks in the job-dispensing process.

If Jackson could not gather a large enough following to establish his own claim, then it was possible that Kennedy's organization might absorb Jackson's. But Kennedy believed that his claim to recognition was superior to Jackson's and would in the end be granted; he therefore saw no need to enlarge his base. Mayor Washington's attitude encouraged him. Whereas Appleby impartially acknowledged Kennedy's rivals, Washington remained sympathetic to him—or so Kennedy thought. "He kept saying," Kennedy later recalled, " 'Every-

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thing's going to be all right. In the end we'll have citizen participation. We'll have funds to do it. We're going to recognize you, Ken.' " Kennedy therefore discounted Appleby's insistence on unity in the neighborhood. And if by resisting a settlement he delayed the planning of Fort Lincoln, that was of little regret to him. His neighborhood constituency had no interest in progress; it was the public officials who were in a hurry. The longer he delayed, the stronger Kennedy thought his bargaining position became. In February he wrote to Appleby, "Our initial proposal envisioned early funding so that MOCCO could be abreast of planning developments. Because of the passage of time we must now revise upwards our cost figures."

By the end of February it was clear that the rival claimants for the RLA's recognition would not unite. In fact, they were multiplying. When a bi-racial group of ministers, formed to mediate between Kennedy and Jackson, failed in that, the members proceeded to organize and to solicit recognition and funding for themselves. Meanwhile, Kennedy remained adamant, and his letters to Appleby grew menacing. "You have not kept faith," he charged in early February —"the RLA does not wish to involve citizens." And again, two weeks later, "Your inaction compels us to no longer request, but to demand meaningful participation."

Unable to settle the matter himself, Appleby appealed to the mayor. At first he proposed creation of a Fort Lincoln Development Board, which would build and manage Fort Lincoln as well as provide a vehicle for citizen participation. When the mayor took no action, Appleby proposed an alternative. The three rival organizations should name representatives to a planning organization to be funded by the RLA. Representatives of this group would in turn serve on the development board, which would incorporate city-wide interests as well as neighborhood residents. Again the mayor made no response. He seemed reluctant to offend the contending interests or to expend any of his influence. Then he had to put aside all but the most compelling public business in order to contend with the riots that engulfed Washington following the assassination of Martin Luther King in early April.

It was not until May that the mayor agreed to engage his office in a settlement, and even then he was careful to limit his risks. On May 9, NCPC director Charles H. Conrad, head of the Fort Lincoln staff committee—an interagency group that was in charge of planning Fort Lincoln—wrote to the rival groups that the mayor had decided to create a citizens' planning organization by appointment. The groups were to submit five names each, from which the mayor would pick three; he would then add five city-wide representatives. The mayor had declined to sign this letter personally. Indeed, he would have preferred the NCPC and the RLA to constitute the new organization themselves.

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Things did not work out precisely as Conrad's letter proposed, for the three groups each insisted that all five of their nominees serve. When this was granted they acquiesced in the mayor's solution, and it was ratified at a meeting late in May. Addressing the three rival boards of directors, the mayor invoked the wrath of the White House. They had better get together, he said, or they might kill the Fort Lincoln project; and if they killed Fort Lincoln, they might yet have to live with the Government Printing Office.

On June 4, Mayor Washington announced formation of the Citizens' Planning Council for the Fort Lincoln Project, composed of eight city-wide members named by him in addition to the 15 from the neighborhood. Here at last was an official vehicle for citizen participation, sponsored by the mayor, however reluctantly, and ready—so public officials hoped—to consult and be consulted about the planning of Fort Lincoln, which by that time was already well under way.

From housing project to new town

That the surplus lands program originated on a president's impulse meant that it had no intellectual history. It wasn't conceived—it just happened; and as of September 1967, it was a program in need of definition.

As the President envisioned the program, its main goal was apparently to help the poor get out of central-city slums; but as it passed into the hands of the planners it quickly became something quite different. It became instead a program to build model communities—"new towns" in town, as it were—that would exemplify by the quality of their design and the "balance" of their social structure the planners' vision of the ideal American community.

HUD officials, who were responsible for planning the surplus lands program, saw in the President's request a chance to try out the newest ideas in community planning. The program appealed to them for precisely that reason. With presidential backing, it would provide an opportunity for the exercise of discretion and hence for experimentation. Administrators could write guidelines and choose locales for action without regard to congressional constraints.

Shortly after the President's announcement, HUD asked an 11-man consulting team—architects, developers, scholars, and public administrators—to give advice on the creation of new towns in town. Meeting over the last weekend in September, this group produced guidelines for the program which HUD circulated informally during the fall and issued formally in February 1968. These said that "a key objective"—it would have been correct to say the dominant objective—was "the creation of an urban community," a "community of diversity, offering a wide variety of opportunity to a cross section

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of people with different social and economic backgrounds." As if this were not plain enough, the guidelines went on to state that the community "should offer opportunity to all racial groups" and should house at least three different income groups—"middle income," "upwardly mobile and potentially upwardly mobile employed persons with low and moderate incomes," and "the 'economic bottom,' including 'hard core' unemployed." It was further said, however, that this was not meant to exclude the rich.

Though all income levels were to be included, distinctions among them in housing design were to be avoided. The model community must appear to be, as well as be integrated. Above all, there should be no recognizable "housing projects." To attract and retain diverse income and racial groups, it would be necessary to provide "magnets" and to "imbue the residents with a personal interest in the new community." Among various ways of doing this, HUD especially recommended providing jobs and maintaining high-quality public services—particularly schools. If local communities could do all these things, HUD assured them, they would "help meet the present urban crisis. . . ."

With these goals in mind, HUD officials played an important part in the planning of Fort Lincoln. In any case, the other planners shared HUD's belief that it should be a model community as well as HUD's conception of what a model community is. The planning thus became mainly a matter of deciding proportions (how many whites, Negroes, middle-income persons, hard-core poor) and means (how to assure exactly that many whites, Negroes, etc.).

An unbureaucrat

Before these questions were reached, the NCPC and RLA had had to decide how the planning should be organized. They were being urged not to try to do too much themselves. The Washington *Post's* influential architectural critic, Wolf von Eckhardt, was writing lyrically of Fort Lincoln's possibilities "It could be a real breakthrough in the crisis of the cities. On that lovely hill guarding the northeast gateway to our capital, the administration could set a shining example of a good place to live which could dispel the despair of machine-age pollution and social upheaval." But he warned that it "must really be new—totally new" and that the planning must therefore be turned over to a small group of leading architects and urban designers—"creative minds, not bureaucrats."

The NCPC and RLA had no objection to creative minds. They had agreed that the planning should be done by consultants—distinguished ones, they hoped, with a flair for design—and by December Appleby had settled on one of the most unbureaucratic of men, Edward J. Logue, to be the principal development consultant.

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As development administrator in New Haven and then in Boston, Logue had rebuilt sizeable parts of both cities and in the process had built for himself a prodigious reputation as an urban expert and man of action. Such was his reputation for innovative and independent behavior, in fact, that HUD officials were slightly uneasy at Appleby's choice. Appleby, however, was confident (as a HUD office memo stated) "that he could properly control Logue." In any case, Logue was known as a highly competent man who could get things done in a hurry and cared about design. And recently defeated in his campaign for the mayoralty of Boston, he was available.

For his part, Logue found Fort Lincoln a promising project, particularly because of the distinction of its sponsorship. In a letter to Appleby he noted with satisfaction the "urgent interest" of the President. Fort Lincoln would be "challenging," "of national significance," and would "offer rare opportunities to set new standards of livability." He would accept the offer to serve as development consultant.

In January the RLA board approved the contract with Logue, together with a prospectus describing the organization of the planning effort. Logue would help select and oversee the work of consultants in the fields of planning and design, housing demand, engineering, transportation, and new technologies; he would develop a statement of program objectives; he would set up and direct the work of an advisory panel of experts who would help define objectives; he would review plans for Project One to assure that they were coordinated with planning for the rest of the project; and he would prepare a report, in preliminary and final versions, that would cover all aspects of the Fort Lincoln project. He would be paid $295,000, of which about $235,000 would be for subcontracts to other consultants. Within the government, responsibility for planning would be vested in a staff committee consisting of the executive director of the NCPC (Conrad) as chairman, the deputy mayor of the District (Fletcher), the executive director of the RLA (Appleby), and the deputy assistant secretary for renewal assistance of HUD (Robert E. McCabe), who was added to the committee at HUD's request. Logue was to receive guidance from this committee, submit his reports to it, and get its approval for his choices of consultants and advisory panel members.

As of January, then, a planning organization had been created and the principal consultant hired. According to the prospectus, the planning and design consultant was to be hired and the advisory panel of experts convened in January. Logue was to submit his statement of program objectives by March 1.

This schedule immediately began to slip. Logue did not report until mid-April—and then only with a request for the staff committee's guidance. He had concluded that if his plans were to adhere to the housing mix described in the President's announcement, Fort

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Lincoln would not be a balanced community. Logue and his consultants estimated that, out of a total of 18,000 residents of Fort Lincoln, fewer than 4,000 would be white. Further, of 7,800 school-age children only 425 would come from middle- and upper-income homes, though more than half would be from public-housing families. "Given this forecast," Logue wrote, "we are not optimistic that it will be possible to attract and hold middle-income white families with children, and over a long period of time there could easily be difficulty in holding middle-income Negro families as well."

Logue believed that race and class integration should be the overriding goal at Fort Lincoln, and in his statement to the staff committee he argued that the program objective should be to achieve an appropriate racial and economic balance in the public schools. He suggested as a standard that one-third of the children should be white (and presumably middle-class), one-third from low-income Negro homes, and one-third from middle-income Negro homes. He then set forth several alternative patterns of housing construction that would achieve such an outcome.

The staff committee considered Logue's draft on April 17. No one denied the premises or conclusions of his argument, and everyone agreed both that the goal was a balanced community and that it could not be achieved unless the President's housing figures were changed. HUD's position, arrived at the day before, was that no more than 20 per cent of the units should be for low-income families (compared with the President's 33 per cent). But everyone was reluctant to revise what the President had uttered, even if his utterance had been only a planner's guess. The bureaucracy may not always carry out a president's policies, but it does not tamper lightly with his words.

It fell to HUD to execute the necessary steps in administrative diplomacy. Secretary Weaver's special assistant for the surplus lands program, Richard L. Steiner, summarized the staff committee meeting for him and asked for help. "The question," he wrote, "is whether the RLA and NCPC can be permitted to depart from the specific number of housing units mentioned in the official press releases by the White House . . . in order to increase the likelihood of achieving the major goal of a racially- and economically-balanced community."

The answer, received by the beginning of May, was that they could. HUD Undersecretary Robert C. Wood instructed Steiner and McCabe to "maximize the opportunities for a long-term stabilized race and economic mixture." Though McCabe later maintained that HUD's ceiling of 20 per cent low-income units was not binding on local agencies, Logue's final recommendation of program objectives, presented to the staff committee in mid-July, did fit that formula. And of that 20 per cent, half the units were to be for the elderly, thereby further reducing the population of school-age children from

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low-income homes. With respect to race, Logue recommended—again following the preferences of HUD—a 50-50 mixture in both housing and schools. Compared to the President's original figures, then, Logue's recommendations were as follows:

	ORIGINAL PROGRAM		LOGUE'S RECOMMENDATION	
	UNITS	PER CENT	UNITS	PER CENT
Low-income, family	1,500	33	450	10
Low-income, elderly			450	10
Moderate income	2,200	49	2,250	50
Middle income	800	18	1,350	30

Once the housing mix for the whole project had been changed, it followed that the mix for Project One—originally set at 250 units of public housing and 150 units of 221(d)(3) housing—should be changed too. Such alteration had more to recommend it than a desire for symmetry. The RLA staff feared that the high proportion of public housing planned for Project One would "overly—and unnecessarily—hurt" the model community's "image." In HUD's phrase, Project One was likely to be the wrong kind of magnet. If at first it drew a high proportion of dependent Negro families, Fort Lincoln might never attract enough middle-class families to achieve economic and racial balance. The RLA's solution was to redesign a large proportion of Project One's public housing specifically for elderly tenants, who would be less damaging to the project's image. But the RLA did not press its case; and when in the spring a major challenge to Project One finally came, it came from Logue and his advisory panel of experts.

As originally conceived, the advisory panel was to be composed of "nationally recognized experts" who would "provide fresh and innovative ideas." It was to meet in January and February, and Logue was to submit his draft statement of objectives immediately after its discussions ended. This schedule assumed that the panel could be named in two weeks. In fact, the selection of members took more than three months, and the panel did not actually meet until late May. By then, Logue's draft statement of objectives had already been submitted to the staff committee, and the function planned for the panel had become obsolete. Instead of serving as a source of advice on objectives, the panel ended up as a forum for objections to Project One. Eight of its eleven members were Negroes (a ninth, Whitney Young, who was to serve as chairman, finally did not participate), and it proved quite sympathetic to the fears of middle-income Negroes about having public housing in their neighborhood. In mid-June it held an evening session in the northeast at which residents repeated their objections to low-income housing.

In its report, the panel endorsed race and class integration as the

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overriding goal of Fort Lincoln, and it endorsed the neighborhood's opposition to Project One on the ground that it would jeopardize that goal. The panel recommended that Project One should be delayed "until it can be made fully a part of the total development program" —in effect, that it be cancelled. In this, the advisory panel was echoing Logue, who shortly before had sent the staff committee a memorandum stating similar objections to Project One. "While it goes against my philosophy ever to stop construction of needed units," he wrote, "it does seem to me that the housing program could be reevaluated without undue delay."

The staff committee could not have ignored these objections, but neither it nor HUD needed any prodding to reexamine the plans for Project One. Both had come to believe that Project One was not the right way to begin building a model community.

Late in June, Secretary Weaver and Undersecretary Wood met with Mayor Washington and Deputy Mayor Fletcher to decide how to accommodate the opposition to Project One yet keep their promises of prompt action to the White House. The compromise they settled on went as far as possible to satisfy the opposition without actually defying the President. Except for some public housing for the elderly, all of Project One would be deferred. But work on the elderly housing would be started at the earliest possible moment in order to achieve a groundbreaking before November. Presumably, President Johnson would be satisfied by an early groundbreaking, while the neighborhood would be placated—and Fort Lincoln's prospects of becoming a model community safeguarded—by postponing construction of public housing for low-income families.

A plan emerges

By mid-summer, the principal planning decisions about Fort Lincoln had been made, and Logue summarized them in a report to the staff committee on July 15. He wrote—with a touch of license—that the objectives had "been prepared in response to President Johnson's request that a racially and economically balanced community be developed at Fort Lincoln." Logue acknowledged that this goal would be difficult to achieve and declared that, to achieve it, Fort Lincoln "must travel 'first class.'" It must have "an exceptionally high level of public services" and make use of "new approaches in both planning and development." Exactly what this might mean would be shown later by the detailed plans, but Logue's general idea was clear enough. The principal design feature would be an abundance of open space. Instead of parking lots there would be parking structures, and instead of a street system there would be a mini-rail for internal transportation. As for public services, the principal feature would be a "model educational complex" operating indepen-

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dently of the District school system. To expedite construction of Fort Lincoln, Logue urged establishment of a development corporation, and to manage its public services he proposed creation of a service corporation. Traveling first class, it was clear, would require traveling apart from the rest of the city.

Logue's planning effort was about two months behind schedule at this point. As the planners saw it, one cause of delay was that as yet there were no officially recognized citizens to consult with. Logue, whose slogan in Boston had been "planning with people," shared the general assumption that there must be citizen participation and that without it the outcome of the planning process would not be legitimate. Each step—appointing the advisory panel, drafting the preliminary objectives, and drafting the preliminary plan—had therefore been somewhat delayed in the hope that an appropriate citizen group would materialize to cooperate in taking the step. Moreover, much valuable time—including some of Logue's—was spent trying to mediate among rival citizen groups in the northeast or improvising substitutes for formal citizen participation such as the advisory panel's evening forum.

Yet it is hard to say just how much of the delay was caused by the citizen participation problem. The planning schedule was unrealistic. And as the citizens who claimed the right to participate angrily pointed out, the planning did in fact go forward. Pressure from hostile citizens would have slowed progress much more had counterpressure not been applied by an impatient president. For though Fort Lincoln had become something different from what the White House originally conceived, neither the President nor his staff objected to the transformation or lost enthusiasm for the undertaking. If HUD wanted to use surplus lands for building model new towns that was fine—if only it would actually start building them. Above all else, the White House wanted action.

Project one

Action was the very purpose of Project One. The President had wanted a fast start, but with Project One, as with the rest of Fort Lincoln, objectives became more ambitious and more complex as work progressed. In HUD's view, Project One was the pilot development in a pilot project for a nationwide program, the purpose of which was to demonstrate the "best" in community planning, including the newest in technology and design. Commenting in January on the prospectus for Fort Lincoln, HUD instructed Appleby to include application of new technologies as an objective and urged him to begin pursuing this objective right away, starting with the housing design for Project One.

It was clear that there was risk in this. Logue had warned in

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December that "speed of implementation" would conflict with "innovation." Sensitive to the problem, Appleby pointed out to HUD that there would be better opportunities for demonstrating new technology later in the project, but despite his doubts he went ahead with plans for a demonstration in Project One. He was himself deeply interested in design, and a demonstration at Project One was being urged on him not only by HUD but also by the Office of the Scientific Advisor to the President.

With HUD's approval, Appleby divided the project's 20 acres into three parcels and assigned each to an architect chosen for his work with a new type of construction. In March the RLA board approved contracts with the three—Moshe Safdie, Paul Rudolph, and Harry Weese—for design by each of both 221(d)(3) and public housing units. Safdie was working with concrete boxes, Rudolph with mobile home cores, and Weese with concrete panels.

The architects immediately encountered problems with building codes and cost specifications. In the hope of dealing with these, Deputy Mayor Fletcher in late May set up a task force to study modification of the District's building code. Meanwhile, following the arrival of Logue's draft objectives in mid-April, HUD and the staff committee had begun to wonder if there should be a Project One at all, and if so, whether it should include such a high proportion of public housing units. As of April and May, then, Project One was encountering both the political problem of a disagreement over goals and the technical problem of meeting code and cost specifications. The political problem was the first to require resolution.

In June, objections from Logue and the advisory panel had compelled the staff committee to reconsider Project One. One objection —that the proportion of public housing was too high—the staff committee itself had come to share in the course of shaping plans for a "balanced" community. Another objection was that children from Project One would crowd the neighboring area's schools. The RLA proposed to meet this problem in the short run by building demountable classrooms, but the residents, some of whose children might have to use them, wanted something better, and Logue again backed them. Facing these matters at the end of June, Weaver, Wood, Washington, and Fletcher had decided to seek the greatest possible speed in constructing that component of Project One to which there could be the least objection. Housing for the elderly would be less offensive to the neighborhood and less damaging to the project's image and would not add a single pupil to the schools. Construction of other components of Project One would follow depending on the availability of schools and other community facilities. Wood directed that "a careful correlation between housing starts and the provision of community facilities, especially public education, will be maintained."

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The trials of citizen participation

This guidance settled one political problem just as public officials seemed to be settling another—that of establishing a channel for citizen participation. The lack of such participation had already caused one delay in Project One and might cause more. The RLA had decided that the project's street plan had to be changed, but to do this it needed the city council's approval. Before the council could act it had to hold public hearings, and the mayor was reluctant to approve such hearings until a vehicle for citizen participation had been set up. Earlier hearings, after all, had been broken up by protest. As long as the change was delayed, the architects could not prepare final drawings. By late May it seemed to Appleby safe to request that the hearings be scheduled, for the mayor was about to create the citizens' planning council, which could thereafter be available to participate in the plan change and the many other actions necessary before there could be a groundbreaking.

In seeking to create a citizen organization, public officials assumed that the lack of one had delayed planning and that the reason such an organization was lacking was that rival leaders in the northeast could not settle their differences independently. If the mayor could overcome their disagreement and put an organization together, delay would cease. All this rested on the premise that the organization once formed would cooperate with the government. This premise, it turned out, was utterly wrong.

The eight city-wide members of the council, appointed by the mayor to act as a moderating force, soon tired of the meetings and left the field to representatives from the rival neighborhood groups. Though these neighborhood members were still divided by differences of interest, they had one opinion in common: that the RLA had unfairly excluded them from a share in the planning. Their actions were uniformly hostile. In itself, this hostility was nothing new—Kennedy in particular had been attacking the RLA since February—but until now the government had been able to ignore it and proceed with planning, albeit slowly and with a guilty conscience. Having created a citizen organization, however, the government was now obliged to try to come to terms with its own creature.

The citizens' council had no sooner selected officers (Jesse Jackson as president, his rival Kenneth Kennedy as vice-president) than it began to make the most startling demands. At least to begin with, it was not at all interested in discussing Project One. It wished instead to define its powers and secure funds—and in these matters its expectations proved to be highly ambitious. Early in July Jackson handed Appleby a list of 17 demands that in effect asked the RLA to turn the planning function over to the council. Specifically, the council demanded that work on Project One stop until it could con-

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duct a review; that it be given funds for offices, staff, travel, planning consultants, and for the conduct of surveys of housing, traffic, schools and the like in the neighboring area; and that all other planning expenditures be suspended. Soon after this, the mayor's office invited the council to submit a budget request, apparently on the assumption that discussion would go better if addressed to specifics. At the end of July, the council asked for $820,000, virtually the entire amount of HUD's planning and survey grant to the RLA.

In retrospect, Appleby thought that the council "really didn't care" about negotiating and that it was just trying to "filibuster the project to death." An equally plausible interpretation is that the council was seeking to maximize its financial support. By making an extreme initial demand, it hoped to increase the amount the government would ultimately agree to.

Appleby proceeded as if cooperation could be induced by reasonable discussion and a grant of funds. He replied to the 17 demands with a letter and a staff paper that set forth at length the public agencies' conception of citizen participation. The "community," it explained, was to express its "needs, desires, and preferences," which the public agencies would take into account as an "input to the total planning effort." The community's contribution would "assist the public agencies in making their work more relevant to the specific needs of people concerned." The citizens' council was not to conduct planning itself because "the role and the real contribution of the citizens should not be of a technical nature." In response to the budget request, Appleby offered $36,500 a year.

Although the council rejected this offer and failed to respond to a request that it discuss Appleby's statement of its role, the RLA and mayor's office remained determined to sustain the council's activity. Citizen participation continued to seem essential, and the council was the only device for it they had. To keep negotiations alive and to give the council a capacity for comment on official plans, they granted small amounts of money for technical assistance—$3,000 in July that went to consultants, $5,000 more directly to the council in September. They also offered a concentrated code enforcement program for the neighborhood, which would have made homeowners eligible for loans and grants from HUD.

If these offers were meant to buy the council's cooperation, they failed. In September, it sued the District government and the RLA, asking a federal district court to enjoin planning for Fort Lincoln until local officials permitted "meaningful" citizen participation and developed "adequate plans . . . to protect residents in the affected area." The grant of $5,000 to the council was made after this suit had been filed, although Appleby told the mayor that he doubted this should be done.

While the RLA was struggling with the political problems arising

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from citizen participation, it was waiting to see how serious Project One's technical problems might be. By mid-September it was clear that they were very serious indeed. Safdie's design was not feasible and had to be abandoned. Rudolph's was not feasible either, though it came near enough to justify continued work. The principal problem in both cases was cost. The District government was prepared to make the building code revisions necessary to accommodate the new technology, but the costs of this new technology, at least as applied on the limited scale of Project One, would not come within HUD's limits. Of the three preliminary designs, only Weese's was acceptable. A groundbreaking before November 1968, which Wood had decreed in June, seemed impossible. There were as yet no finished architect's drawings, and only one set was in prospect. A citizen participation vehicle had been created, but the citizens had gone to court to halt planning altogether.

This situation precipitated one more round of decision-making about Project One. Steiner and McCabe suggested to Wood that if ground had to be broken in November, it might be broken for street and utility work. A day later, they suggested to Weaver that an early groundbreaking might be had in Weese's parcel; and if his design should yet prove unworkable, designs from an urban renewal area somewhere else in the country might be transplanted to the Fort Lincoln site. They believed, and Appleby agreed, that a groundbreaking could be achieved before the end of the year if everyone gave it the highest priority. Califano made sure that everyone did. Washington, Wood, and Appleby were told on September 20 to hurry up: the White House would have a groundbreaking.

The pressure for action had been increased, and the timing of action was increasingly dictated, by the President's decision not to run again. Both the White House and HUD wished to push Fort Lincoln beyond a point of no return so that another administration could not cancel it. HUD, to satisfy the President, had hoped for a groundbreaking before the election. That hope having failed, it decided after the meeting with Califano that one should occur on November 25. Construction would start with 120 units of Weese's high-rise public housing for the elderly. (To Appleby's relief, Califano had vetoed HUD's idea of transplanting finished designs from another urban renewal project.) Local officials sought also to begin building a small amount of family housing, for they were worried about isolation of the elderly.

It would not be easy to complete by November all the steps that precede a groundbreaking in a normal case. And Project One was more than normally complicated. The initial public housing unit was to be built by the "turnkey" method, a procedure that ordinarily involves an agreement between the local public housing authority and a developer; but in this case a third party, a nonprofit sponsor, was to

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intervene between the two. The city council, acting in response to citizen pressure, had resolved in December that there would be such a sponsor. Several months earlier, the RLA had found the sponsor—a Negro church—and now the RLA and NCHA had to go through the necessary legal steps to involve it in the turnkey project. The NCHA would issue a letter of intent to the sponsor; then the plans and estimates would be completed; and finally a turnkey agreement, implementing the letter of intent, would be concluded. These steps depended, in turn, on completion of a revision of preliminary cost estimates, transfer of the site from GSA to NCHA, and determination of requirements for zoning, street construction, storm and sanitary sewers, and the like. The RLA also hoped to place neighborhood representatives on the sponsor's board, for such additional "community participation" had been a main reason for having the nonprofit sponsor in the first place. To get these things done by November 18, as the RLA hoped, would require the public agencies to make extraordinary effort and some hard choices.

One such choice arose within HUD. Before NCHA could issue a letter of intent, it required approval from the federal Housing Assistance Administration. HAA balked on the ground that the action would have to be based on less complete plans and specifications—and hence less reliable cost estimates—than were usually required. It was likely, HAA argued, that a large number of change orders would occur during construction, driving the cost up. The whole procedure would "probably result in adverse audit findings. . . ." If HAA were to bend the rules, it wanted the secretary's explicit backing first. Undersecretary Wood replied with the necessary exhortation and assurance. In light of the "significant social and physical development goals to be achieved in the Fort Lincoln project," he wrote, HAA should conduct "a thorough but accelerated" review of the architect-contractor proposal.

Groundbreaking

If the quest for a groundbreaking tested the willingness of bureaucrats to bend rules, it also tested the willingness of a politician to risk popular disapproval. The mayor had already demonstrated his sensitivity to citizen demands, but as long as the public agencies had not approached the point of actual construction, he had not yet been forced to choose between citizen opinion and prompt construction of Project One. It remained to be seen whether, as the agencies strove to break ground, they would be stopped by the politics of citizen participation.

For a month it seemed that they would. The mayor would not agree to issue the letter of intent until the citizens' council had approved Project One, and the council was still unwilling

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to talk about it. Accordingly, the date for the groundbreaking slipped to December 7. When, on October 14, the council at last did consider the project, it repeated the earlier objection that there was too much public housing and especially too much for families. After this meeting Appleby decided not to present construction of the initial component to the RLA board on October 16, as planned. This meant, as an RLA official reported to HUD, that the schedule was "entirely out of whack" and a new one would have to be worked out. By the end of October, it was clear that there would be no groundbreaking by December 7—and maybe none before President Johnson left office.

John B. Clinton, a high-ranking civil servant whom HUD had assigned to the surplus lands program, wrote Wood on October 30 that "unless the mayor is instructed by next week to proceed with or without the citizens this administration will not have a groundbreaking ceremony." HUD then proceeded to draft a letter to the mayor that threatened to withdraw federal funds from Fort Lincoln unless the mayor guaranteed a groundbreaking before the end of the year. While the department, of course, continued to support "active, effective citizen participation in all appropriate HUD programs," it did not believe that "the citizen participation process should, in effect, be permitted to completely paralyze all program progress." Although the letter was never sent, HUD and the White House conveyed its message to the mayor.

Meanwhile, the citizens' council was beginning to show signs of a willingness to cooperate with the RLA. In mid-November it sent Appleby a series of comments on Project One that were not flatly negative. They asked, for example, that the government limit public housing construction to the 120 units for the elderly and that it promise in writing that a new school would be finished before any family housing. Although the council explicitly withheld approval of Project One—refused, in fact, to consider approval until it had a promise on the school—it had laid the ground for negotiations and compromise. Appleby thanked the council for its "constructive suggestions."

The council's new position probably reflected the emergence within the neighborhood of some support for Project One, which in turn was the result of the public agencies' offer to build a new school there. For a long time the agencies had been searching for the terms on which neighborhood support could be had. They could get such support, they believed, by offering to increase public benefits. At first they had offered a program of housing code enforcement, but local citizens did not respond. A new school, however, was much more attractive to them. By fall it began to seem that a school might actually be built: the District government had decided to build a permanent school rather than the demountable classrooms, and by

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early October the House Appropriations Committee had approved funds and the District government was looking for an architect. In this situation, to obstruct Project One was to deprive the neighborhood of a benefit to which it attached high value. The prospect of such a school led the council to shift its position. Instead of indiscriminately opposing Project One, the council insisted that the project begin with construction of a school.

It remained to get the council to go along with the groundbreaking. To this end the public agencies made a number of concessions. As well as agreeing to build a school before they put up any family housing, they also reduced to 25 the number of low-income family housing units planned for the project. This was 25 more units than the council wished, but, as Appleby told Jackson, "the minimum we think is necessary to fulfill our public responsibility." As another concession, Appleby in mid-November raised the RLA's offer of funding to $60,000 a year. The council, which had reduced its request to $316,000, thereupon appealed to the mayor who doubled Appleby's offer.

Appleby thought that this was too high a price. Inasmuch as the mayor had made the offer, in Appleby's view it was up to him to find the funds; the RLA refused to spend $120,000 of its survey and planning grant for citizen participation. Mayor Washington then appealed to HUD for some other form of help. At its insistence he had settled the council's dispute with the RLA and thereby had delivered a groundbreaking by the Administration's deadline. Now he asked the administration to pay the cost. HUD found the funds—a grant of $60,000 for a six-month period—in its Office of Urban Research and Technology, which administered urban renewal demonstration grants. Fort Lincoln, it was decided, would be an appropriate place in which to "demonstrate" the citizen participation process, just as it had seemed a year earlier a good place in which to demonstrate new housing technology.

Finally, the council acquiesced in the plans for Project One. In December it approved the nonprofit sponsor for the elderly housing and said it would not object to a start on construction. For the administration, these decisions came at the very last possible moment. The groundbreaking was scheduled for January 14th, only one week before the inauguration of President Nixon, and the schedule slipped yet one more day. On January 15th, Mayor Washington, Robert Wood, now secretary of HUD, and Bishop George Baber, whose church was the project's sponsor, turned the first shovelful of earth. The President, though invited, did not attend, but Wood gave him the chrome-plated spade from the ceremony so that it might be preserved at the Johnson library in Austin, Texas.

As of the groundbreaking, the architect had finished drawings only for the housing's foundations. A permit for the rest of the con-

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struction was not issued until April, and construction did not actually start until May 5—fully 20 months after the day on which Lyndon Johnson had announced the Fort Lincoln project.

A new administration, some old problems

The change of administrations crucially altered the political context of Fort Lincoln. Previously it had been the personal project of the President and his top officials at HUD. Now nearly all of the sponsors and first administrators were gone: Johnson had left the White House; Weaver, Wood, Steiner, McCabe were no longer at HUD; and Appleby had resigned from the RLA. Only John Clinton, a civil servant, remained at HUD, and Washington and Fletcher in city hall. Melvin A. Mister, formerly an RLA project director, returned from the Ford Foundation to succeed Appleby. Meanwhile, President Nixon took no position on Fort Lincoln.

The burden of initiative now shifted to the District agencies, and Fort Lincoln assumed the familiar aspect of an exercise in grantsmanship. District officials, who were still personally committed to the project, had to show the federal administration that what they wanted to do was, by federal criteria, worth doing, and that they were capable of doing it. This required in turn that they decide exactly what it was they wanted to do, which meant that they had to come to grips with Logue's plan.

Logue had proceeded during the fall to elaborate the more ambitious of two preliminary plans—"a high quality conceptually innovative total development program," an RLA memo called it. Finished in December, the plan was reviewed by federal and local agencies in January and February, and by early March the RLA's Fort Lincoln project director, Arnold Mays, had distilled the results of the review for consideration by the staff committee. In a series of memoranda, Mays analyzed the problems that had been revealed. Some of them were very serious indeed.

One problem was economic. In order to provide a large amount of open space, the plan called for 4,500 spaces of structured parking. The RLA believed that that much structured parking would drive development costs far above what HUD could legally subsidize. If costs were to be kept within legal limits, there would have to be major changes in land use, such as reduction of the number of residential units, an increase in residential density, or reduction of parks and other open space. Mays concluded that it was "highly unlikely that the plan, as presently proposed, could be developed."

Another major problem arose out of Logue's proposed mini-rail system, which would increase open space and reduce the need for parking lots. No such mini-rail transportation system existed in the United States, and Logue's assumption that one could be realized

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at Fort Lincoln by 1972 was just a guess. Even if such a system proved technically feasible, no one yet knew what the costs of development and operation would be or how they would be subsidized. There was the further question of how much the system (if feasible) would actually reduce demand for parking space. Some agency reviewers thought far too little parking was provided for the federal office building and Federal City College branch planned for the site. Finally, would the mini-rail have to be connected with the city-wide subway system? It was not yet clear when or whether this system would be built. In December HUD and the Department of Transportation (DOT) had agreed to finance further studies of the mini-rail, but the RLA, HUD, and DOT had been unable to agree on how to proceed with the studies, and DOT was now reluctant to commit funds without being assured of the "District's interest in the Fort Lincoln project." Even if the study were carried out, it could not answer all of the questions that must be answered. And if the mini-rail proved unfeasible, then the entire Logue plan would have to be radically revised.

A third set of questions concerned the schools. Logue had hired as his education consultant Mario Fantini of the Ford Foundation, who had recently been involved in the decentralization of New York City's public schools. Fantini was joined by Milton Young of the Travelers Research Center of Hartford, and together they developed "a design for a new and relevant system of education" which Logue's plan incorporated. There was to be a series of "dispersed but interrelated 'general' and 'special' learning centers," the general learning centers to serve as "home rooms" and to fulfill "general academic functions," the special learning centers "to provide specialized instruction in the arts, sciences, and practical arts, with an emphasis on 'real life' experience—relating the school curriculum to actual social and economic enterprises on the site." Like other "innovative" features of the Logue plan, this one raised serious questions of purpose and feasibility. Would such a school system help to achieve the goal of racial balance? How much would it cost? Given that it would cost more than a conventional system, would it be permissible under the 1967 circuit court ruling in *Hobson v. Hansen* that prohibited unequal per pupil expenditures in the District's schools? Would it be feasible to administer Fort Lincoln's "learning centers" independently of the rest of the city's schools?

A new strategy

Because HUD's survey and planning grant would expire June 30, the staff committee hoped to have a plan approved by NCPC and the city council by spring or early summer. Then it could be submitted to HUD for the $12.9 million reserve capital grant for Fort Lincoln.

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The Logue plan posed so many problems that Mays recommended against submitting it. One possibility was to prepare a more modest and feasible alternative, eliminating the mini-rail and reducing the structured parking. Mays rejected this because it "would not truly represent the 'best' that government and citizens working together could produce;" indeed, Mays feared it would yield an "inferior product" which would fail to achieve the goals of Fort Lincoln. Another possibility was to delay submission of a plan, hoping that HUD would extend the planning grant and that the problems in the Logue plan could be worked out. Mays rejected this because "lack of action would reduce public confidence in the planning process."

What Mays finally recommended was that Fort Lincoln be carried out under the newly enacted Neighborhood Development Program (NDP), an arrangement that would enable the District to construct Project One with federal money while continuing to plan the rest of the project. Though HUD had conceived NDP to suit the case of the deteriorating slum, the RLA thought it equally suited to the open spaces of Fort Lincoln. "NDP appears to offer the best of both worlds," Mays wrote, "—allowing some action now—Project No. One and environs, while permitting a one year delay on the decisions for the overall site, so that the mini-rail and structured parking problems can be resolved." The staff committee and the NCPC agreed, and on April 4 the NCPC instructed its staff to prepare an NDP plan.

Two critical questions of procedure remained. One of these was how to manage the actual construction of Fort Lincoln. Logue believed that the problem of coordinating public and private development was so great that it could be solved only by creation of a corporation with comprehensive powers, and he hired Louis Oberdorfer, a Washington lawyer, to show how this could be done. But lawyers in the District's agencies were not convinced by Oberdorfer's report. Mays considered the proposal inadequately justified: Logue, he wrote, "never presented any written analysis as to why he considered the development corporation to be the best way . . . and no other way would do." The assistant general counsel for the NCPC raised a number of objections. The contractual and informal agreements required, he argued, were "legally questionable" and "practically untested"; there was no legal way to avoid the complex series of approval and review steps involved in a project like Fort Lincoln; it was doubtful that the corporation could be created without legislation, which would take too much time; and the financial feasibility of the corporation had not been established. For the time being, the staff committee rejected the development corporation and in April began to explore an alternative—a Fort Lincoln development agency to be made up, like the staff committee, of representatives from existing agencies but endowed by delegation with some of their executive powers and with its own staff.

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The second procedural issue was how to manage the intractable problem of citizen participation, which HUD's offer of a demonstration grant had not resolved. In two months of negotiations, the RLA and the citizens' council had been unable to agree on a contract. One issue was HUD's insistence that the council withdraw its suit against the government. Another problem was the RLA's insistence that it approve the council's staff appointments. Even within the council the disposition of jobs was a difficult matter. In January the council appointed Kennedy as executive director at a salary of $17,000 a year, but rescinded the appointment four days later. By April matters were at an impasse, the council having resolved to ask the mayor and the Neighborhood Legal Services for help in obtaining a more favorable contract.

On April 15 the staff committee decided to cease doing business with the council. In planning Fort Lincoln it would henceforth solicit the views of civic associations throughout the city. Thus, after nearly a year official patience reached an end, and the citizens' council lost its battle for funds and recognition. Beginning with a request for more than $800,000, it had received only $8,000. (In fact, however, it had actually spent $2,000 more than that, and in September the RLA found itself forced to make up the deficit by paying delinquent bills for office rent and equipment.)

By June the local agencies were ready to take their case to the administration. Though a formal NDP application could not be ready before fall, it was none too soon to seek federal support informally. An extraordinary commitment of federal support would be needed. Not only would the project cost a great deal, but it also would involve nearly a dozen federal "concerns," matters in which favorable action would be required. These fell within the jurisdiction of four different departments and the General Services Administration.

The problem of executive consent

GSA was involved both as a prospective occupant of the site and as its current owner. Logue's plan assumed that GSA would be a major on-site employer, occupying 500,000 to 1 million square feet of office space. But in spring of 1969, GSA informed the RLA that it had no plans to build at Fort Lincoln and could not yet say how much space it might lease. Meanwhile, as owner of the entire tract, GSA was asking the RLA to pay fair market value for those parcels to be developed with private uses. For Fort Lincoln to be economically feasible, such land would have to be transferred at less than fair market value. Either GSA would have to sell the land for its "reuse value" (a price low enough to make moderate-income housing economically feasible), or HUD would have to agree to "write down" the land (provide urban renewal subsidies). This problem was not a new one. It had been discussed at the initial planning ses-

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sion in 1967 and had been delegated to an interagency committee of lawyers for detailed study and resolution. But the committee's report, completed in December 1967, seemed to support GSA's position that it had no legal authority to sell at less than fair market value except for public uses. This put the RLA in an awkward position, for its federal patron, HUD, had said that it would not pay for a write down. The Logue plan, with its high-cost proposals, made the dilemma still worse. The RLA estimated that the cost of building structured parking would be so high that land for 221(d)(3) housing would actually have a reuse value of zero. That meant either that GSA would have to give the land away or that HUD would have to make a very large write down.

HUD was faced with a number of additional decisions. Would the FHA be willing or legally able to finance the structured parking? Would it be willing to underwrite the costs of new technology? Would it have enough funds for the large volume of 221(d)(3) housing planned, or for the rent supplements needed to subsidize occupancy of such housing by the poor? Would the Housing and Renewal Assistance Administration be willing to provide urban renewal subsidies for development of the mini-rail?

The Department of Transportation (DOT), HEW, and the Department of the Interior were also involved in Fort Lincoln. DOT was being asked to pay part of the cost of feasibility studies for the mini-rail, and its Bureau of Public Roads had to participate in the location and financing of Interstate 95, which would have a major impact on the Fort Lincoln plan. The Office of Education would be asked to subsidize development of the new community's school system, and the Department of the Interior would be asked to subsidize 90 acres of park and recreation land. The department's National Park Service wanted to safeguard its plans for Fort Circle Park, on which the Fort Lincoln development might impinge.

The local officials took their plea to the White House and to HUD. In view of the amount and variety of federal support it required, Fort Lincoln was unlikely to survive except as a presidential project. Also, support from the White House would put pressure on HUD, which would bear $40.4 million of $51.6 million in federal expenditures that the RLA estimated Fort Lincoln would need. They briefed HUD officials late in May and responded to HUD's questions with long statements of objectives and cost estimates. In mid-June they briefed Daniel P. Moynihan, director of President Nixon's newly-created Urban Affairs Council.

HUD makes a decision

They found HUD skeptical and resistant. HUD officials, like the local agencies, doubted the feasibility of the Logue plan. They

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lacked confidence in the local government's capacity to carry out so ambitious a project, and the longer the citizen participation on dispute persisted, the less confidence they had. An attempt by the mayor's office in June to explain Fort Lincoln to a city-wide meeting of civic organizations was a "disaster," according to a HUD observer. Leaders of the citizens' council, aided by black militants who had previously been uninvolved in Fort Lincoln, broke up the meeting. Finally, HUD objected to the cost. The District was asking $36.4 million for Fort Lincoln in urban renewal funds alone, three times the capital grant reservation that the department had made back in 1967.

The high cost threatened to distort the new administration's priorities, which called for using urban renewal funds to rebuild riot areas—starting in Washington. The Nixon Administration had been in office hardly more than a week when the President visited the riot area with Mayor Washington and announced a large grant to finance reconstruction. Like the Johnson Administration, it was using the capital as a "demonstration city," a place in which to symbolize a commitment to the cure of urban problems.

When the District's request for funds to rebuild the riot area was combined with its request for Fort Lincoln, the total for Fiscal Year 1970 was more than $134 million. That was nearly a sixth of the urban renewal appropriation of $850 million that HUD expected Congress to provide for the whole country. HUD balked.

HUD sought to avoid getting committed to any particular development plan. Especially, it did not want to get committed to the Logue plan, and tried to forestall action either by local officials or by Moynihan's office that would lead to such a commitment. Moynihan in any case shared HUD's doubts about the District government's administrative capacity. If the District government could not collect garbage, he had asked Fletcher, how did it think it could build a model new town? HUD ceased to participate in meetings of the staff committee except as an observer, and it explicitly released local officials from any obligation imposed by the Johnson Administration to go ahead with Project One.

Project One, meanwhile, was not picking up much momentum. By June the RLA had concluded that Rudolph's designs, like Safdie's, were not feasible. The FHA was awaiting further exhibits on 54 units of family housing by Weese, whom the RLA now wished to retain for completion of the project. Architect's final plans for the first school were well advanced, appropriations were available, and construction could begin in September—but if the school were built, there would be no children from the site to attend it. Whereas the planners had once feared that Project One would have family housing without a school, it now seemed far more likely that it would have a school without family housing.

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Despite repeated signs of discouragement from HUD, the local agencies continued work on a preliminary plan and an NDP application, a strategy that HUD feared would commit it to the Logue plan or something similar. The NCPC was scheduled to approve a preliminary plan on September 11. On September 10, it got a letter from Undersecretary Richard C. Van Dusen saying that "it would be premature" for HUD to commit funds for Fort Lincoln or encourage a start on development activity. Specifically, it would not grant money for Project One beyond what was needed to finish the 120 units of public housing for the elderly. It would, however, finance additional feasibility studies, and its final decision would depend on the results of those studies and the availability of funds.

Local officials were pleased that the project was only "postponed," the Washington *Post* reported. They apparently had feared that it would be killed. NCPC chairman Philip G. Hammer told reporters that "we're keeping the process going—that's the point." But the *Post* was probably right in saying that HUD's decision made it unlikely that the city would ever build Fort Lincoln according to "the ultramodern plan drawn up under the Johnson administration, which emphasized technological innovation and both racial and economic integration."

What went wrong

Sooner or later, the Fort Lincoln site will be developed—300 acres of prime land in the nation's capital cannot lie vacant forever. But whatever happens there, the Fort Lincoln New Town is not likely to be remembered as an example of "the best in community planning." No doubt, that was and is what Washington needs and deserves, as President Johnson said in his original announcement; but that is not what it got.

If Fort Lincoln had been an ordinary project, its failure would be of little interest. Government in America has never been known for—indeed was not primarily planned for—efficiency or despatch. What makes Fort Lincoln interesting is that it was designed to be different. It was planned to circumvent the usual obstacles to action by men who were thoroughly sensitive to their existence. At the federal level, it would circumvent the separation of powers because Congressional consent would not be needed. At the local level, it would circumvent popular opposition because the land to be used for development would have no people or pressure groups living on it. And at both the federal and local levels, ordinary bureaucratic inertia would be overcome by the application of a chief executive's energy. The President would galvanize the federal agencies and, through the mayor, who was his appointee, the local ones as well. Fort Lincoln, in short, was designed for action. It was a special project—a *presidential* project—yet it progressed no further than any other government project.

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In retrospect, it appears naive to have supposed that these usual obstacles to action could be avoided. Consider the plan to bypass Congress. Any major federal undertaking costs money, and money comes ultimately from Congress. The administration would be able to avoid getting explicit Congressional approval only if enough money was available through regular development programs to finance Fort Lincoln. It turned out that building Fort Lincoln out of normal appropriations, though possible, would badly distort the distribution of funds among the nation's cities. The Nixon Administration's own commitment of renewal funds to rebuild the District's riot areas made the problem worse but did not create it.

The Johnson Administration might also have foreseen that the problems of local politics could not be put aside just because no one except juvenile delinquents lived on the surplus federal land. Observation of local politics should have shown that projects meet opposition from those whose neighborhoods will be invaded by new development as well as from those who will be displaced. The District of Columbia had been relatively immune to such pressures in the past, but the Johnson Administration's own reforms assured that henceforth it would be more susceptible. On one hand the administration was staking a major federal project on the District government's capacity to act, while on the other it was sponsoring structural reform that, by making citizen pressure more effective, would make action less likely.

Finally, even if it could not foresee its own early end, the Johnson administration might have been less sanguine about the uses of presidential power. It was unsafe to rest a major project on so slim a foundation of authority as a press release. In response to a burst of presidential energy, administrators might make commitments that they would not otherwise have made, but these commitments would not necessarily survive when—as eventually it had to—the energy subsided. At the first planning session, GSA and HUD thought that they had arrived at an agreement on land disposition, but this agreement did not last even the length of President Johnson's term. Legal obstacles that disappeared when administrators worked under presidential pressure reappeared when agency lawyers considered the land disposition question at a more normal pace. This natural tendency of priorities to dissolve was a problem that surely could have been anticipated.

The ordinary obstacles to action, in sum, are not easy to circumvent, not even for men of energy and ingenuity. Yet this is not the whole explanation of what failed to happen at Fort Lincoln. The obstacles would not have been so great, nor the political system so resistant to action, had it not been for the planners' conception of what the government should do. Though Fort Lincoln fell victim to a cumbersome set of institutions, it was even more a victim of its planners' ideology. Its prospects were harmed less by the attachment

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of "conservative" men, legislators and career bureaucrats, to old habits than by the attachment of "progressive" men to new and fashionable ideas.

The Fort Lincoln project got stalled mainly because neither federal nor local officials believed that the development plan was feasible. This plan, however, was faithful to HUD's guidelines for the surplus-lands program. If the plan would be very hard to carry out, that was because the goals would be very hard to achieve.

The planners of Fort Lincoln, including the HUD officials and consultants who drew up the guidelines, sought to serve ends that would be of at least symbolic value to the whole society. They wanted to create a community that would be a model for urban America in the second half of the twentieth century. They assumed that different social classes and races could be integrated through a shared attachment to a place and the symbols, life-style, and activities associated with it. With an emphasis on "participation" and "decentralization," they also sought to set new styles in social action. And they sought innovation in every aspect of planning, design, and development.

Characteristically, federal planners stood for progress and high principle. They are free to do this in the American system, for the political and administrative burdens of the innovations they conceive will be borne by others. Believing that they have the duty to show what ought to be done, federal officials have developed the strategy of the "demonstration," the single project or program that can be put forth as a model for government conduct generally.

If the federal government did not conceive of its objectives in ideal terms, it could not rely on the demonstration strategy; but the strategy itself gives further impetus to the striving for the ideal. It might not be possible to build Utopia at Fort Lincoln, but once the federal government became committed to a national demonstration project there, Fort Lincoln's planners could do no less than try.

Its freight of social significance proved too much for Fort Lincoln to bear. The effort to achieve integration through community yielded a plan of high cost and great complexity. The quest for innovation further inflated objectives, nearly paralyzing Project One and creating a host of economic, technical, and political problems in the final plan. And even before Logue had finished his plan, citizen participation was crippling the project.

"Participation" had to be achieved because in the late 1960's progressive men could not undertake an urban development project without it. If there were no residents at Fort Lincoln to participate in planning, the public agencies would look for them nearby. If those nearby were not organized, the government would organize them. If they made extravagant claims for funds and power, far beyond what public officials thought reasonable, the government would nonetheless negotiate with them. It would not act publicly without

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having their acquiescence, even if that meant delaying action and even if the acquiescence had to be bought with public funds.

There actually was citizen influence in the planning of Fort Lincoln, but the process of "taking citizen interests into account" became quite distinct from that of "achieving citizen participation." The effort to achieve participation cost local officials dearly, not so much in actual delays of planning or construction, but in what the delays revealed about the local government's ability to conduct its business effectively.

The lessons for a new towns policy

The purpose of Fort Lincoln, once the planners went to work on it, was to show that the government could build a new town in which Negroes and whites and the poor and the rich would live in proximity. Obviously it showed no such thing and was therefore a failure. But does it prove that the government can *not* build balanced new communities? As a project to demonstrate the creation of new towns, what if anything does it prove?

It is the nature of official demonstration projects that they are unlikely to demonstrate what they are meant to. The rationale of the demonstration is that it is prototypical. But demonstrations have a symbolic importance, and so they engage interests and resources to a degree that prevents their being prototypical. If, for example, the demonstration project is one that depends for its success on the investment of funds, it is likely to attract them out of proportion to what would be available to other such projects were the original to be repeated many times. Funds may be available in sufficient quantity to make the demonstration a "success," but not to repeat that success on a wider scale.

If, then, the government had carried the entire Fort Lincoln plan to a rapid and successful completion, it would have proved only that the "model community" could be created under quite extraordinary circumstances. The question would have remained whether the feat could be repeated with the money, land, political leadership, and administrative expertise likely to be available in the routine case.

If Fort Lincoln would not have proved much as a success, it is arguable that its failure does not prove much either. It is almost impossible to tell which of its many problems were critical. If Congress had been involved and willing to commit funds; if the local government had been more secure and experienced, and willing to ignore citizen objections; if the federal administration had decided to bypass the local government and had set up an independent development corporation; if the White House had not insisted on speed; if President Johnson had remained in office; if the planners had been less eager to explore technological and social inventions—in retrospect, all these were possibilities, and in some combination they

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might at least have permitted Fort Lincoln's completion. A proponent of new towns could argue that the objectives of Fort Lincoln were not shown to be unattainable; so far, the government has not seriously tried to achieve them.

Then could the government achieve the same purpose at another time? To answer this requires asking: *which* purpose? Fort Lincoln combined at least three: to build new housing for the poor; to construct a model new community; and to promote the ideal of a society devoid of racial and class distinctions.

As a failure at housing the poor, Fort Lincoln was one more chapter in a familiar story. Because the cost of new construction is high, because Congress remains unwilling to supply large enough subsidies, because local governments give public housing low priority, and because local citizen opposition often blocks acquisition of sites or construction, American governments have not managed to build much new housing for the poor. Fort Lincoln illustrates these old problems in a new context. Building housing for the poor is no less of a problem because it is to be built as part of a new town.

The difficulties of building houses for the poor in new towns in turn cast doubt upon the government's capacity to build new towns. For the federal government to subsidize new communities solely for the better-off is obviously unfair and unnecessary; to subsidize them solely for the poor is just as obviously unwise. To tolerate their becoming racially segregated would be a serious violation of fundamental federal policy. If the federal government is to sponsor communities, they must be "balanced." Therefore, if it cannot find a way to build housing for the poor in new towns—and then find a way to integrate them racially, an objective that Fort Lincoln never came close to testing—the government will not be able to defend public construction of them.

Even if an extensive program of new-town construction is not feasible, there is still a strong case for building a model one to show what kind of community America stands for. In a time of social stress, the creation of a "model" community might affirm unifying ideals in a particularly visible and effective way. But if the public welfare can be served by showing that rich and poor and whites and Negroes can be induced to live together, it can also be damaged by showing, or seeming to show, that they cannot be induced to live together despite the government's best efforts. Judging from the Fort Lincoln experience, an experiment with a model community would be very risky at this time.

The lesson that would be drawn from failure would be no less damaging because it would be false. That the government should fail at a particular place and time to achieve race and class integration would not show that they cannot occur. When and where they do occur, however, it will be through a fortuitous cumulation of

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private, individual choices. If enough Americans very much desire the life-style that Fort Lincoln's planners were designing, such communities will come about. Otherwise, nothing the planners contrive can bring them into being. By redistributing income, subsidizing housing construction, and discouraging racial discrimination, government can increase the range of housing choice for Negroes and for the poor. It can also sponsor large urban developments. But it cannot "create communities." It cannot prescribe the grounds on which people will come to sense that they have enough in common to live together as neighbors.

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The case of Marjorie Webster

JAMES D. KOERNER

In the spring of 1818 a young lawyer named Daniel Webster pleaded eloquently and tearfully before the Supreme Court of the United States on behalf of the trustees of his alma mater, Dartmouth College. For several years Dartmouth had been fighting what seemed a losing battle against the state of New Hampshire to retain its status as a private institution not subject to arbitrary control by the state. Chief Justice John Marshall and the Court found in favor of the college, overturning the Superior Court of New Hampshire. The Dartmouth College case became a landmark in American education, and the Supreme Court's

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A NOTE ON THE AUTHOR'S POINT OF VIEW:—Let me make my own position clear. My sympathies in the litigation that is the subject of this report were entirely with the plaintiff, Marjorie Webster Junior College; or rather with the principle that was at stake in the plaintiff's case. I first learned the details of the lawsuit early in the fall of 1968. The more I learned, the more persuaded I became of the importance of the case and of the justice of the college's complaint against the Middle States Association of Colleges and Secondary Schools. I therefore gave the college informal and unpaid assistance in a number of ways. I offered general advice, supplied a few documents, and took up the case with a number of friends in the educational world who I thought might make effective expert or factual witnesses for the college; some of them did indeed become such witnesses. I was delighted with the college's victory in the trial court and very much hope that the decision will be sustained on appeal.

Although the reader may therefore want to view this as a partisan document, it does not follow that the report is unfair. I can make no claim to complete dispassion, but I hope I have not wholly neglected fairness. *JDK*

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decision still protects educational institutions, as well as other organizations operating under state charters, from unilateral attempts by the state to void or alter the contracts on which they are founded.

A century and a half later, at a time when educational policy is being made increasingly in the courts, another case, initiated by persons related to Daniel Webster, went to trial and resulted in a significant decision. The suit was brought by Marjorie Webster Junior College, a private "proprietary" (profit-making) institution for girls in Washington, D.C., against the regional accrediting agency known as the Middle States Association of Colleges and Secondary Schools. In a precedent-setting decision, the trial judge held in favor of Marjorie Webster. Middle States has appealed this result, and the higher courts have not yet rendered a final verdict. But if the trial judge's decision is upheld on appeal, the consequences for American education will be considerable. If his decision is reversed, the case will still be one of historic importance with discernible effects on our educational system.

Taking regional accrediting associations to court is not a common activity. Only three lawsuits have been brought against them in American history. The first was brought in 1938 by the state of North Dakota after the state agricultural college had been disaccredited by the North Central Association. The state lost. The second was brought in 1967 by Parsons College after it had been disaccredited by the North Central Association. The college lost. Both were cases of expulsion, that is, with the institutions seeking an injunction in the federal courts to block the disaccreditation. The third case is that of Marjorie Webster against Middle States, a case not of expulsion but of prior and arbitrary exclusion from the process of accreditation itself.

Regional accreditation: an American invention

Regional accreditation is unique to the American system of education. It is the process by which nongovernmental "voluntary" agencies, accountable only to their own membership, evaluate educational institutions according to certain standards and criteria. They then accredit—that is, admit to membership—those institutions they deem qualified. Six such regional associations cover the United States and its territories, accrediting both secondary schools and institutions of higher education. Each has a "commission" for higher education and another one for secondary schools. Accreditation means recognition by member institutions of each other's degrees. It also means, these days, having one's students entitled to various government monies and help.

The regionals assess the entire institution rather than a particular part or program of it, but they do not rate their members on any

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kind of comparative scale; hence, parents and students know only that a given school is or is not accredited. The regionals visit their member institutions about once every 10 years and with only the rarest of exceptions "reaffirm" the accredited status of these institutions. They almost never expel anybody.

No other nation goes about the problem of supervising educational institutions this way. In most countries the central government assumes responsibility through a ministry of education for visiting and evaluating certain institutions of higher education such as teacher-training colleges. The government's function in regard to universities which are mostly state institutions, is likely to be limited to informal methods of inspection and appraisal, though it retains a strong measure of control by way of the budget.

Throughout Europe the number of institutions of higher education is much smaller in relation to population than in the United States. The institutions themselves have far fewer programs of study and a much more homogeneous student body whose members have qualified for admission by virtue of passing national competitive examinations and possessing the leaving certificate of the academic secondary school. The problem of protecting the public against institutions of low quality is, therefore, not nearly as severe in other countries as it is in the United States. Here the separate states have legal responsibility for doing the job but most of them have relinquished that responsibility to regional accrediting associations that call themselves voluntary.

The regionals are far from uniform. They differ sharply in the size of their constituencies and membership. The Western Association, for example, covers only California, Hawaii, and Guam, while the North Central Association covers 19 states. They also differ significantly in their standards and procedures. In an effort to maintain liaison and achieve some measure of comparability, they established in 1949 a National Committee of the Regional Accrediting Agencies, which evolved in 1964 into a more formal and authoritative body known as the Federation of Regional Accrediting Commissions of Higher Education (FRACHE), which was mentioned frequently in the Marjorie Webster case. The main reason for the creation of FRACHE was the regionals' fear of losing power to the federal government or the states, a possibility that they saw to be growing larger as more and more public funds were allocated to higher education.

In addition to the regional associations, several dozen specialized professional accrediting bodies, reaching from theology to veterinary medicine, also visit and evaluate institutions offering work in their specialties. Overseeing all accrediting groups is still another agency called the National Commission on Accrediting, which is itself a membership organization made up of about 1,500 colleges and universities. It is a regulatory and monitoring, but rather benevolent,

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body that currently "recognizes 35 different accrediting agencies, including the six regionals, and strives to keep the number from multiplying too fast. In short, it accredits accrediting groups.

Middle States accredits secondary schools and colleges in Delaware, Maryland, New Jersey, New York, Pennsylvania, Canal Zone, Puerto Rico, the Virgin Islands, and in the home of Marjorie Webster, Washington, D.C. It describes itself as an

> independent membership organization . . . which has a double purpose. One is to serve the educational world and the public by establishing standards of quality and identifying institutions which achieve them. The other, equally important, is to stimulate and help institutions reach their maximum effectiveness.

Middle States now has about 350 institutions of higher education in full membership and another 100 in the two categories below full membership called Correspondent and Recognized Candidate. Most of its new growth comes from junior and community colleges.

Why Marjorie Webster brought suit

In 1920 Miss Marjorie Webster and her mother established as a partnership a school for girls in Washington and called it a School of Expression and Physical Education. In 1927 it was incorporated as a two year proprietary—i.e., profit-making—institution and the next year acquired the prize 15-acre site that still constitutes the campus adjacent to Rock Creek Park in the northwest part of the District of Columbia. In 1946 the college was evaluated by the District of Columbia Board of Education and since that time has been accredited by the Board as a junior college authorized to grant the associate in arts degree. To date it has granted well over 2,000 such degrees.

The campus accommodates about 500 students who, unlike the student body of most junior colleges, come from all sections of the country. Marjorie Webster offers them work in seven departments: liberal arts, merchandising, fine and commercial art, speech-drama and radio-TV, physical education, secretarial science, and kindergarten education. It offers both "terminal" courses of study for girls preparing for a particular career and "transfer" courses for those planning to continue their education at a four year college or university.

As a corporation organized for profit, Marjorie Webster is controlled by a board of directors. All five members of the board are members of the Webster family and several work full time as administrative officers of the college. All stock in the corporation is held by the family, and directors collectively fix their own compensation, which in 1969 came to over $100,000. It was precisely these elements of control and free enterprise that were at issue in the suit.

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Middle States restricts its membership, as do the other five regionals, to nonprofit institutions. Over the years it has therefore refused many requests from Marjorie Webster for evaluation. It has always refused to visit or accredit the college. Since Marjorie Webster was not eligible for membership as long as it was a profit-making institution, all Middle States would do for it was suggest that it go nonprofit. Finally in 1966 Marjorie Webster's lawyer, C. William Tayler, wrote Middle States once again to say that the college was "finding it increasingly difficult to operate without regional accreditation." He asked that the Middle States board of trustees waive its exclusionist policy and evaluate Marjorie Webster with a view to admitting it to membership if it qualified apart from its proprietary character. The executive secretary of the higher commission of Middle States, F. Taylor Jones, declined to present the matter to his trustees, saying that "We have known our minds on this matter for many years and will not consider exceptions."

Faced with stiffening competition from public junior and community colleges—nonprofit institutions that seemed to proliferate rapidly and to have little difficulty acquiring the blessings of regional accreditation—Marjorie Webster saw no other option but to seek relief in the courts. It might have yielded to Middle States' suggestions and converted to nonprofit status. It would then have been accredited by Middle States in all probability and would have solved its most pressing problems. But conversion would have brought heavy taxes to the stockholders. It would also have represented to the Webster family a surrender to discriminatory practice and monopolistic power in education. To one member of the family, Sherwood Webster, such a surrender was particularly galling. He is one of two vice-presidents of the college and he more than any other person wanted to fight Middle States rather than capitulate to it in the way that other proprietary institutions had done in the past.

How could a small, little known college like Marjorie Webster—an educational David, if one can mix genders—bring itself to challenge a Goliath like Middle States? The answer is pretty much Sherwood Webster and his father, G. Fraser Webster, who was president of the college at the time the case was filed and who recognized the importance of taking the dispute to court. Sherwood Webster's qualifications as an educator are considered dim by Middle States and would raise the eyebrows of most educators. He is a former CIA agent, a former stock broker, and a sometime entrepreneur in the development of inventions for the internal combustion engine—a picturesque, even bizarre, preparation for a college administrator. He now handles the recruiting and admissions work for Marjorie Webster, leaving academic policy to the faculty.

The unorthodox background of Sherwood Webster probably had a lot to do with the decision to tackle Middle States. The chances

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are that a "qualified educator" would have had neither the inclination nor the courage to bring a lawsuit against so powerful a body as the regional accrediting association in his area. Educational politics being what they are, the Marjorie Webster suit could only have been conceived and carried through by someone with broad experience outside education, who was not intimidated by the establishment or subservient to it or fearful of what it might do to him, and who was not overly impressed with its claims to competence and expertise.

The suit was brought in 1966 after Middle States had again rejected the college, this time with the ring of finality. Marjorie Webster filed its complaint and followed it with an amended and expanded complaint, to which Middle States responded. A series of interrogatories from both sides and an exchange of documents from each other's files followed, and after that came a number of pre-trial conferences and sundry other steps including the taking of nearly 3,000 pages of depositions from people scattered across the country. Middle States filed a "motion for summary judgment"—in effect asking the court to consider the evidence for the defendant so compelling that a decision in its favor be made before a trial was even held. Marjorie Webster countered with its own motion for summary judgment. Both motions, which were routine legal maneuvers, were denied. On February 24, 1969 the case came to trial before Judge John Lewis Smith, Jr., without a jury in the United States District Court for the District of Columbia.

The antitrust issue

Marjorie Webster based its case on two main arguments. First the college, in an unprecedented application of the antitrust laws to education, charged that Middle States and the other regionals making up FRACHE were combinations in restraint of trade within the meaning of the Sherman Act. Second, Marjorie Webster charged that Middle States and the other regionals were performing functions inherently governmental, that they were performing them at the request of such arms of government as the United States Office of Education, and that they were therefore subject to the restraints of the Constitution—including the observance of due process and the avoidance of arbitrary and discriminatory acts. The college sought no damages. Neither did it seek accreditation directly by means of the lawsuit. It sought only to be visited and evaluated by Middle States on equal terms with nonprofit institutions.

At the heart of count one, the antitrust count, was the question of whether Middle States was restraining Marjorie Webster's trade to an unreasonable degree by denying it membership. And at the heart of this issue was the question of whether the profit motive

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was acceptable in the operation of colleges; whether free enterprise should have a role in higher education. Put another way, the issue was whether Middle States' basic requirement for membership, that an institution be "nonprofit with a governing board representing the public interest," was defensible and fair. Although the question of what effects the profit motive had in education took up more courtroom time than any other, little factual testimony about it could be adduced by either side.

Middle States tried hard to find a number of distinguished educators not connected with Middle States itself who would be willing to defend "the nonprofit standard" in court, but without much success. It asked Francis Keppel, for example, formerly United States Commissioner of Education and now head of General Learning Corporation (a profit-making enterprise, at least in theory), to testify in its behalf, but discovered that his sentiments were more on the side of Marjorie Webster. It asked James Tobin, Sterling Professor of Economics at Yale, in order to counter the testimony of Milton Friedman, a witness for Marjorie Webster; but Tobin wrote Middle States' lawyer as follows:

> I do think you are probably on the wrong side of the case from a public policy point of view. I don't comment on the legal antitrust questions. I can't see convincing reasons for not considering all institutions for accreditation on their merits, whatever their form of organization. I don't go along with Friedman's sweeping *laissez faire* position, but many times he is right in opposing restrictions on entry and competition. I worry more than he does about the chance that consumers may be deceived. But in this case accreditation itself would seem to be sufficient protection, without arbitrarily denying the chance of accreditation to a whole class. [Quoted by permission of James Tobin.]

Middle States asked John H. Fischer, president of Teachers College, Columbia University, to testify but found his position similar to Tobin's. Fischer wrote Middle States as follows:

> My own view is that any institution should be accredited if it meets the established criteria and standards with regard to the quality of its faculty, curriculum, library, administration—in general its performance as an educational institution. The mere fact that the institution is privately owned and that a profit is realized on its operations should not, in my view, disqualify it if those operations meet the educational standards by which nonprofit institutions are judged and if in addition its corporate business affairs meet relevant standards of legality and ethics. I would insist, for example, that the institution's proprietary and profit making status be made quite explicit in its catalogue and similar materials. Whether or not there should be public disclosure of an annual financial report seems to me debatable and I have no strong feeling either way. In general, however, I see no reason to bar respectable proprietary schools from accreditation if they can qualify on the regular academic grounds. [Quoted by permission of John H. Fischer.]

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Because neither side could offer much concrete evidence bearing on the evils or virtues of the profit motive in education (little such evidence exists), they were reduced to assertion and to what might be called suasive discourse. Middle States called 26 witnesses, Marjorie Webster called 22, and portions of 24 depositions were read into the record. Most of these people had personal views to express on the issue. The trial record is therefore replete with opinion about profit and education—tentative or dogmatic, speculative or officious, searching or arrogant; hypocritical, petulant, preposterous, and pious.

Middle States tried to use everything from the Abraham Flexner Report (which was published in 1910 and demonstrated that both profit-making and nonprofit medical schools in the early part of the century could be bad) to the Clark Kerr Report (which was published in 1968 and dealt mostly with the financing of higher education) to support its argument that free enterprise had no place in higher education, at least no place in regionally accredited institutions. On the level of simple assertion, Middle States' witness Alfred D. Donovan, vice president in charge of student personnel affairs at Seton Hall University, was typical:

> Education is an eleemosynary activity. It has many dedicated people in it, and it is not under any circumstances when it is at its best to be confused or equated with a profit-making institution.

Another Middle States' witness, John Everett, president, New School for Social Research, offered this:

> I would consider that these two sets of goals, one of the profit organization to return a profit on capital, and one of an educational organization which is to overcome the ignorance of students, that these goals are not compatible, and that you can't have them both in the same institution.

Albert E. Meder, Jr., formerly vice-provost of Rutgers University, has long been a leading figure in Middle States affairs and was one of its key witnesses. He reiterated Middle States' position that the profit motive mitigates "against the excellence we seek for accreditation," that proprietary schools "cannot devote their full resources to the educational program," and that "there is an inherent lack of continuity in the policy and program of a proprietary institution." He also offered this argument:

> A proprietary institution has assumed a burden of taxes in most cases, both the local real estate tax and federal taxes, which necessarily prevents it from devoting these resources which have to be paid out in taxes to the development of programs in the institution.

And so it went. Middle States painted a pretty grim picture of capitalism and free enterprise in education. None of the Middle

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States witnesses could see any good in the profit motive but they could imagine all kinds of evil flowing from it. Middle States was not all sobered in these pronouncements by the fact that it really knew nothing about proprietary schools. Such of its witnesses as Donovan, Everett, and others, frankly admitted to no knowledge of proprietary education. Middle States failed to offer a single expert on the subject or even a person with cursory knowledge of it. Thus one of the continuing ironies of the trial was the frequent admission from Middle States that it was quite ignorant of proprietary institutions and the simultaneous assertion that such schools suffered from critical disabilities.

Marjorie Webster's reply

Marjorie Webster was confronted with the job of proving that the nonprofit standard of Middle States was unreasonable—a more difficult job than Middle States had in defense. Proving, that is, that a particular policy is unreasonable, especially one governing an issue upon which opinion dominates evidence, is more difficult than merely defending the policy as reasonable. One of the earliest and most effective witnesses for the college was Lloyd Elliott, president of George Washington University in the District of Columbia. His own instiution is a member of Middle States and his background includes considerable experience in and with accrediting organizations. He put the Marjorie Webster side of the argument this way:

> I am convinced that the bureaucracy and the inefficiency of our educational system, including higher education but not limited to higher education, promises to drown us if not confound us before we can work ourselves out of the morass in which we are now encompassed.
>
> And, therefore, a private, proprietary—and I am going to add profit-making educational venture—ought to have a reasonable place without restraint to demonstrate what can be done in the way of "a healthy influence" within the total field of education.
>
> And I believe the failure of the regional accrediting agency to visit and therefore to report upon a given institution is a posture which is no longer defensible. . . . I would maintain that the aim or desirability of operating at a profit is, we have learned by history in this country, one of the most compelling forces of all in guaranteeing that those who manage the institution will operate it in such a way as to make it more efficient, more attractive and, therefore, of higher quality than otherwise would be the case.

Not many presidents of institutions in Middle States' own bailiwick, or outside of it either, would be bold enough to take such a forthright position publicly and to testify against a regional accrediting association in a court of law.

Another of Marjorie Webster's witnesses was Milton Friedman.

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As a conservative economist of international reputation, Friedman has been invited on innumerable occasions to testify in corporate lawsuits at very high fees but has always declined. He felt strongly, however, about the issues in the Marjorie Webster case and so agreed for the first time, and without fee, to become a witness. His testimony was not only a plea for free enterprise in higher education but a spirited critique of major problems now confronting American colleges and universities. His basic position about the function of capitalism and competition is well known. Applying it to higher education, he said:

> I have lived most of my life in institutions of higher education, and I am persuaded there is little that could do more good than some breath of competition to help them be more efficient in the use of their resources . . . To call one agency nonprofit does not tell you anything about the fundamental motives that are driving that agency.

Other Marjorie Webster witnesses pointed to the fact that some parts of nonprofit institutions make a good deal of profit. James S. Coleman, for example, cited the fact that the evening schools of many universities make a lot of money that is then diverted from these divisions to pay the salaries of professors who have nothing to do with the evening program. Coleman expressed his fear that private educational institutions in the United States may disappear and that a monolithic state-controlled system may arise in its place. The profit motive, he argued, was one mechanism by which new private institutions could be established to offer competition to the state system and perhaps slow the national movement toward a system wholly controlled by government.

The foregoing can only suggest the basic positions taken by each side and the range of argument about the central question of whether the profit motive is acceptable in higher education. Closely related to this question was the insistence by Middle States that an institution also have a governing board "representing the public interest." Middle States charged that proprietary institutions, being controlled by profit-seeking individuals, were subject to arbitrary and sudden changes of policy, peremptory dismissal of faculty members, and general instability; and that such schools lacked the "institutional integrity" of nonprofit colleges. But again Middle States could offer little to support its position beyond the opinion of people who acknowledged that they knew nothing about proprietary education. Moreover, the fuzzy discussions by Middle States of what it meant by institutional integrity and how it determined which institutions were possessed of this virtue were no help to its cause.

Marjorie Webster and its witnesses pointed out that the greatest turmoil and upheaval in recent years in American education had occurred at nonprofit institutions. Practically no disturbances had

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occurred at proprietary schools. Policies now change, said Marjorie Webster, with great rapidity in nonprofit institutions, as do college presidents. Tenure may not exist at proprietary schools, Marjorie Webster acknowledged, but it was a concept being widely called into question as an obsolete kind of protection for faculty members that may do more harm than good. The greatest attacks on academic freedom had not occurred, said Marjorie Webster, at proprietary schools but at famous public nonprofit universities. As for the institutional integrity of which Middle States made so much, it was threatened far more by the drift of higher education toward a monopolistic state system than by any proprietary institutions.

On the preeminent issue of the trial, then, Marjorie Webster sought to reverse the rationale advanced by Middle States. It took each of Middle States' arguments in defense of the nonprofit standard and the public-interest board of trustees and turned it exactly around. It argued that the profit motive had precisely the opposite effects from those alleged by Middle States, and that the public-interest board of trustees suffered from the same problems, plus perhaps some of its own, alleged by Middle States to be peculiar to proprietary control.

The constitutional issue

Marjorie Webster's second major charge against Middle States was that it was performing functions inherently governmental, that its actions were consequently "state actions," and that the regional accrediting associations, like any other arm of government, were subject to the restraints of the constitution. Marjorie Webster argued further that Middle States had violated the Fifth and Fourteenth Amendments by depriving the college of due process and equal protection and had acted in an arbitrary and discriminatory manner by excluding the college from eligibility for membership.

Middle States took the position that it simply supplied information to the government and to other people alike, and had no control over what they did with the information. Middle States argued that as a voluntary membership organization, it merely issued a list of its members or gave out certain kinds of information about institutions. It steadfastly held that it did not "perform services" of any kind for any government body. At the same time, however, Middle States found it hard to deny that it and the other regionals had been working closely for some years with such agencies as the United States Office of Education in an effort to smooth the way for many institutions of higher education, new ones in particular, to qualify for federal money. Such cooperation, or whatever it might be called, was a matter of public record.

Middle States' position on the constitutional count was undermined

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by the Office of Education itself, whose representative took no sides in the case but who simply set forth the facts from the witness chair. In recent years, as federal aid to education has undergone an explosive growth, the Office of Education, which must administer the programs enacted by Congress, has found it necessary to establish a unit called the Accreditation and Institutional Eligibility Staff. Its main job is to determine which institutions of higher education are eligible to participate in one or another of the federal aid programs. John R. Proffitt, as director of this unit, was subpoenaed as a factual witness by Marjorie Webster. His testimony revolved around his principal statement that

> Accreditation has become, fundamentally speaking, a service aspect to the federal government in determining eligibility for funding.
>
> This has arisen as a result of language written into federal funding assistance legislation by Congress . . . it has been somewhat characteristic of a revolution . . . Congress has established that accreditation shall be the prime functional means of establishing eligibility for federal assistance.

The most persuasive evidence against Middle States' position on the constitutional issue was unwittingly supplied by the regional associations themselves. At a meeting in 1967, FRACHE created a new accreditation status called Correspondent and adopted a statement for internal use explaining its reason for doing so. The statement explicitly set forth the relationship between the six regional accrediting associations and the Office of Education, and in so doing went directly to the heart of the issue of whether the regionals had in fact turned into quasi-governmental bodies. Middle States fought desperately to keep this document from being admitted into evidence, even saying that it could not determine where the document (which was apparently written by the executive secretary of the higher commission of the North Central Association) came from or who wrote it or what use had been made of it. But Marjorie Webster fought equally hard to have the document admitted and ultimately succeeded. The statement said in part:

> For the past two and one-half years the six regional accrediting associations have operated as service agencies for the U.S. Office of Education in helping to determine the eligibility for participation in federal aid programs for newly-founded institutions. The decisions involved in these cases have been made explicitly for this purpose and have been shared only with the USOE through correspondence related to each institution considered. In effect, it may be construed that the regional accrediting associations have broken with their tradition of complete autonomy and have become party to an implied contract with the USOE.
>
> This relationship with the USOE appears to have seriously altered the philosophical and operational independence of the regional associations from governmental entanglements.

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With the FRACHE statement admitted in evidence, garnished by the factual testimony of the Office of Education's subpoenaed witness, there was hardly any longer a question of whether the regionals were performing services for the federal government. The only question was whether these services were of such magnitude as to make the regionals quasi-governmental agencies in the eyes of the court.

Still other issues growing out of Marjorie Webster's two principal charges were also argued at the trial. There was the question, for example, of whether higher education was a "trade" and, even if it was, whether Middle States was a combination restraining it; and, even if Middle States was restraining it, whether the restraint was unreasonable. There was the question of whether Marjorie Webster was being seriously damaged by its exclusion from Middle States; whether, for instance, accredited universities and four year colleges discriminated against transfer students from Marjorie Webster. There was the question of whether Middle States would be damaged by admitting proprietary schools to membership, and whether it could effectively evaluate such schools.

For fully 10 weeks these issues, often enshrouded in a semantic fog, were fought out in court. The trial produced over 7,000 pages of transcript and hundreds of exhibits, reflecting Judge Smith's and the lawyers' desire to make a full record both for the deliberations of the trial court and for providing the appeals courts with ample documentation.

The court's decision

Six weeks after the end of the trial, Judge Smith announced his decision and released his written Opinion—a 59-page statement. He sustained the college on every major issue of the case. On the antitrust count, he first disposed of the issue of whether higher education should be considered a trade or a commercial activity. Contemplating the myriad of business and often competitive operations of a modern college or university, Judge Smith said that "Higher education in America today possesses many of the attributes of business. To hold otherwise would ignore the obvious and challenge reality."

But he did not attempt to settle the question of whether Middle States itself was involved in a business or only, as it vociferously claimed, in "professional activities." Instead he recognized that the real question in the antitrust count was whether the business of Marjorie Webster was being restrained. "Webster pays all taxes," he said, "such as income, property, sales and payroll, customarily paid by business corporations. Middle States can hardly deny that plaintiff is engaged in trade since the plaintiff's proprietary character is the reason for the membership exclusion and the *sine qua non* of this proceeding."

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He concluded that both Middle States and FRACHE were "combinations" within the meaning of the Sherman Act, and that the question of whether they had combined for commendable rather than evil purposes was not germane to the issue—"a laudatory purpose or intent will not excuse violations of the laws. . . . A violation of the antitrust laws exists if the combining results in a special advantage to members of an organization over non-members or deprives the non-members of a significant business service. . . ."

On the question of whether the profit motive is acceptable in higher education, he agreed with the essential points that Marjorie Webster had striven to make:

> Educational excellence is determined not by the method of financing but by the quality of the program. Middle States' position, moreover, ignores the alternative possibility that the profit motive might result in a more efficient use of resources, producing a better product at a lower price. Additionally, an efficiently operated proprietary institution could furnish an excellent educational curriculum, whereas a badly managed non-profit corporation might fail. Defendant's assumption that the profit motive is inconsistent with quality is not supported by the evidence and is unwarranted. There is nothing inherently evil in making a profit and nothing commendable in operating at a loss.

Judge Smith then commented on the rapid growth of higher education, on the increasing mobility of students, and on the consequent increase in the importance and prestige of the regional associations to whom the public, rightly or no, looked for guidance. "Since the public relies heavily on the judgment of these associations," he said, "educational institutions of all types should be evaluated."

He noted that American courts had traditionally been reluctant to interfere with the internal affairs of private voluntary associations, considering that membership in such a group is a privilege rather than a right. But he added:

> There is an exception when the association enjoys monopoly power in an area of vital public concern. If the power, because of public reliance upon it, is great enough to make membership a necessity for successful operation, judicial intervention may be justified.

Recognizing the validity of Marjorie Webster's complaint that the lack of regional accreditation stigmatized the school and that Middle States possessed monopolistic powers, he concluded:

> It is obvious that membership in Middle States results in a special advantage to members of the association over nonmembers and deprives the nonmembers of a significant business service. Accreditation is necessary to engage in effective competition in the field of higher education today. The court finds that the exclusionary criterion does inhibit Webster's ability to compete in the field of higher education and does not further the stated objectives of the associations. Such a discriminatory

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exclusion without evidence to justify it must be found arbitrary and unreasonable. Since the criterion is arbitrary and unreasonable, Webster is entitled to relief.

Judge Smith disposed of the constitutional count quickly, apparently persuaded that the trial record was clear and unequivocal on the question of whether the regionals had become quasi-governmental agencies. They had. Moreover they had, for reasons adduced in the antitrust count, violated the constitutional rights of Marjorie Webster by denying it due process. Out of "fundamental fairness," he said, Marjorie Webster "is also entitled to prevail on count two."

Judge Smith concluded with a peroration on the public interest and where it really lay in this prolonged litigation:

> A crisis exists in higher education today. There is tension, turmoil and unrest on the American campus. Students, dissatisfied with established routines and unquestioned goals, are demanding reform. In addition, institutions of higher education are experiencing severe economic pressures, and new methods must be found to meet the challenge. It has becoming increasingly apparent that the demands of the educational deficit cannot be met exclusively by foundation, state and federal financing. . . . With a rapidly expanding population, broad social changes, and the complexities of modern life, higher education in the United States is a matter of national concern. A sound educational system is essential to our pluralistic society. This can best be attained by private nonprofit, proprietary, and public institutions working together toward a common goal—the improvement of higher education.
>
> Webster seeks merely to be given a chance to qualify, but Middle States refuses even to consider its application for academic recognition. This action is arbitrary, discriminatory and unreasonable. The American system of free enterprise in structured on fair and open competition—not monopoly. The national interest is not best served by stifling competition from any available source. With the unprecedented demands upon educational resources in this country, every institution should be given the opportunity to demonstrate its worth.

Thus Marjorie Webster won the injunction it sought. Judge Smith ordered Middle States to visit and evaluate the college and to accredit it if it were found to qualify according to Middle States' standards apart from the proprietary exclusion.

Middle States' appeal

Middle States' response to the decision was a blend of shock, self-righteousness, and cant. Its state of mind is perhaps best exhibited in the comments made by the president of Middle States to his board of trustees a few months after the decision:

> Now, in 1969, a United States District Court has ruled that education is a form of commerce. This, in effect, moves education from the enclave of tradition, wherein it has grown and flourished for twenty-four

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centuries, and *forces* it into the world of commerce, subject to all the restrictions and restraints indigenous to the market place. In effect, it dictates that education is a product, not a process; that a college is a property, not a community; and that a teacher is an employee, not an agent of his civilization.

This ruling, therefore, is in truth what it has been called by many, a "landmark" ruling. . . . It raises again the issue which arises whenever advocates of a dogmatic position attempt to impose their personal or professional beliefs on the searchers of truth and upon the teachers of new searchers.

Middle States promptly appealed Judge Smith's decision, and there ensued a series of post-trial pleadings. First, Middle States asked Judge Smith for a stay order that would have had the effect of suspending his own injunction until the case could be heard by the United States Court of Appeals for the District of Columbia. Middle States argued that it would suffer irreparable harm if such a stay order was not granted and that the public interest would likewise be damaged. But Judge Smith reminded Middle States that accreditation, by Middle States' own testimony, is a long process. He said that he could see no irreparable harm that would be done Middle States by starting that long process while the appeal also went forward. On the contrary, he found that it would be Marjorie Webster that would be further damaged in the interim. He declined to issue a stay order.

Middle States thereupon applied to the Court of Appeals for a stay order to suspend the injunction until the appeal of the case itself could be completed. It supported the request with much the same kind of argument that it had presented to the lower court, forecasting disastrous effects on Middle States if the injunction were allowed to go into effect.

The Court of Appeals took a middle ground and gave something to both sides. It granted Middle States the stay order it had pressed for so hard, but put a short time limit on it and pushed the case well ahead on its own calendar, thus acknowledging Marjorie Webster's plea for speedy action to avoid further damages to the institution. Oral argument on the appeal was presented in December, 1969, accompanied by appeals briefs and assorted other documents including an imposing array of *amicus curiae* briefs in support of Middle States by other regional accrediting associations and other "establishment" organizations. As of this writing the Court of Appeals has still to be heard from, and there is, of course, no indication of which way the decision will go. A safe prediction, however, is that a further appeal to the Supreme Court will be made by the side that loses in the Court of Appeals. Final resolution of the case, if the Supreme Court agrees to hear it, should therefore come during the 1970-71 session.

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Does Marjorie Webster deserve to be accredited?

If we assume for the moment that the trial court's decision is upheld on appeal, the question of what kind of treatment Marjorie Webster will get from Middle States becomes critical. Throughout the case, the college made it plain that it was not asking the Court to require Middle States to accredit Marjorie Webster, only to evaluate it. Middle States could therefore satisfy the court's injunction simply by visiting the college and presumably could then decline to accredit it. Or Middle States could put the college into the lowest category of pre-accreditation and then subject it to years of special or punitive treatment that might or might not end in full accreditation.

According Marjorie Webster equal application of the accrediting laws will be a problem for Middle States. Because of the lawsuit, Middle States already knows far more about Marjorie Webster than it does about most candidates for accreditation. Marjorie Webster will therefore stand more thoroughly revealed to Middle States than perhaps any other institution in Middle States' membership. What use Middle States makes of such information remains to be seen. Middle States will certainly have a considerable psychological leap to make, even if its intentions toward Marjorie Webster are strictly honorable, because a lengthy lawsuit of this kind generates hostility and prejudice, especially in the loser.

Should Middle States refuse to accredit Marjorie Webster, it would necessarily base its rejection on the claim that the college failed in some substantial way to meet its junior college standards. If Marjorie Webster felt that Middle States was thus denying it equal treatment, the college would have another actionable case; for the regionals would have been defined by the courts as quasi-governmental agencies that must refrain from arbitrary or discriminatory acts. Although a lawsuit against Middle States might be centered on the issue of arbitrariness or discrimination, the whole question of the validity of Middle States' standards and criteria could probably not be avoided. How a court would handle such an intricate problem is impossible to say, but the judge would have to be a very wise and a very strong man.

To any fair-minded observer familiar with Marjorie Webster and with Middle States' standards, the college would seem to be easily accreditable. Middle States and its nonprofit junior college members might even derive some benefit from evaluating their first proprietary school. After all, if Marjorie Webster can consistently show a profit and pay local and federal taxes that help support nonprofit colleges—and at the same time offer an education as good as, or better than, many accredited institutions while charging a tuition competitive with private nonprofit junior colleges—perhaps the economics and comparative efficiency of Marjorie Webster might

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merit some attention. It is a difficult and hazardous comparison to make, but it is just the kind of question that regional accrediting associations ought to be answering.

On any of the customary measures of quality in two year colleges —which are mostly open-door schools taking in whoever comes to the door and offering them a great deal of vocational, avocational, and occupational training along with some work in liberal arts— Marjorie Webster would compare favorably with the majority of institutions. In some ways, such as the heterogeneity of its student body, it would be superior to the majority, which serve a local constituency. Its location in the nation's capital, and its close proximity to many senior institutions are further assets. Most new two year institutions have no traditions and are pretty pedestrain in general. Marjorie Webster, by contrast, has built up a strong *in loco parentis* tradition, a lively *esprit de corps,* and a loyal alumnae.

About 60 private, nonprofit, accredited junior colleges for girls now operate in the United States. Their tuition charges range from under $1,000 a year to nearly $4,000, the median being $2,900. Their student-faculty ratios, a dubious measure of quality but one of interest to accreditors, range from about 5-1 to perhaps 20-1. The number of Ph.D.'s, another measure of which accreditors are fond, is naturally low, ranging from perhaps zero per cent of the faculty to about 40 per cent, the average being somewhere between 10 and 20 per cent.

To be more specific, suppose we take an eastern state with a high cost of living for a quick and admittedly very rough comparison with Marjorie Webster. Looking at half a dozen private, *non*profit junior colleges for girls in Massachusetts, one finds that four of them charge a tuition higher than Marjorie Webster's $3,250, and that none is below $3,100. We find that four of them have a higher student-faculty ratio than Marjorie Webster's 10-1 and the lowest is 7-1. Looking at the percentage of doctorates among the faculty, we find that half are above and half below Marjorie Webster's 15 per cent. One does not know what the turnover rate for the faculty is at these colleges, but at Marjorie Webster it is commendably low. Out of a faculty of 44 persons at Marjorie Webster, 28 have been with the college for more than five years and 13 have been there more than 10 years, a record that does not suggest oppression of the faculty or administrative instability.

In brief, Marjorie Webster would not seem to be inferior in any obvious way, as was argued obliquely but persistently by Middle States at the trial, to fully accredited, nonprofit junior colleges. It may well be superior to some of them. To show a profit while operating in one of the nation's highest priced cities at least suggests that Marjorie Webster may be more efficient than nonprofit institutions. It lacks the elaborate administrative hierarchy of many

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junior colleges, especially public institutions, and spends far less on such activities as the recruitment of students than do most private junior colleges. It might get a little more teaching from its faculty than other institutions and might use its buildings more effectively.

Without a detailed comparative analysis, of course, one does not really know whether nonprofit junior colleges might learn something from looking at the economics of Marjorie Webster, but the possibility would seem to be good. Educators should be giving the matter some careful study—but, alas, it appears that they are not.

Except for the high-prestige institutions, which include very few two year institutions, girls' colleges may well be a vanishing species. They all are facing formidable troubles in attracting new students. Thus it could turn out, sadly enough, that Marjorie Webster, having fought and whipped Goliath, will have to celebrate its victory with a wake. But there will still be consolations if the trial court's decision is upheld. Not only will the college have struck a blow for diversity and against monopoly in education, but it may also have been the catalyst for a general reform of the regional accrediting associations —a reform that has been needed for a long time.

The reform of regional accreditation

As the Marjorie Webster case demonstrates, the regional associations have accumulated more power and privilege than is good for them or for the body politic. Because they have insulated themselves from both the public and a large part of the educational profession and are answerable to no one except a permissive membership, there is a certain preciousness about the regionals as well as an unsettling amount of secrecy in their activities. Reforming them is an essential matter in the 1970s.

Normally regional accreditation is a rather quiet, clubby enterprise that seems to have a special appeal for professional educators, small college presidents, and other sorts of educational administrators. With their convoluted structure of committees and commissions and boards, the regionals operate in a manner that suggests mutual backscratching and logrolling, or what an uncharitable critic might call academic incest. The same people are found serving year after year on one or another body, perhaps visiting other people's institutions one year and in turn being visited by them the next, or serving on a review group one year to carry out the policies of a higher body and serving on the higher body the next.

It all runs along peacefully enough except on the rare occasions when the attention of the press is caught by a case of disaccreditation, or more often by the threat of a disaccreditation. There was, for instance, the case of St. John's University in 1966 in which the arbitrary dismissal of a number of faculty members, and the public

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attention called to the incident, forced Middle States to threaten the university with disaccreditation. There was the case of Parsons College in 1967 and sporadically since then in which the rather ferocious relations between the college and the North Central Association were recorded in the press. And there have been numerous instances in which the regional associations, their secondary school commissions in particular, have either used themselves or have been used by school administrators to compel local educational authorities to take one or another course of action under threat of disaccrediting schools. When such incidents get into the press, the public unfortunately is apt to assume that anything called an accreditation agency must have both God and science on its side.

The truth of the matter is that the regionals are devoted more to the protection of their own membership than they are to the protection of students or the public—what is good for their membership, or what they think is good for it, is not necessarily good for students or the public. They fight the threat of national or governmental accreditation more out of their deep concern for preserving their own power than out of any deep concern for preserving the educational system from centralized control. They resist new ideas more out of their affinity for the *status quo* than their affinity for genuine educational quality. Such deficiencies are perhaps natural enough in old-line, bureaucratic organizations, but that does not make them defensible or tolerable.

More than anything else, the Marjorie Webster case stands as an indictment of the general narrowness and lack of imagination of the regional associations. Faced with overwhelming evidence of failure on the part of large segments of American education and with the revolutionary movements now in evidence in American society that have roots in the educational system, the regionals talk and act as if there is nothing really wrong that a little more accreditation-as-usual would not remedy. Instead of taking the lead themselves in challenging the old assumptions, they choose to fight a rear-guard action.

Instead of asking, for example, whether tenure is an outmoded means of protecting academic freedom and that it may be creating more problems than it solves; or questioning whether the traditional board of trustees is an adequate instrument for governing institutions today and whether a better instrument can be developed; or urging the creation of new types of experimental institutions to see if the intractable problems of present institutions might yield in a new setting; or for that matter testing their own standards and criteria against the needs of the age . . . instead of providing vigorous leadership in such matters to schools and colleges, the regionals lead too often in the opposite direction.

Of all educational institutions, it is the accrediting agencies that ought to be most acutely aware of the failures of our schools and

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colleges. Who else has the opportunity to look so closely and so continuously at so many institutions? They ought to be able in a way not matched by anybody else to generate ideas about how to remedy educational failures. But if we ask the simple question, "What significant contributions have the regional associations made to the solution of our most serious educational problems?" we have to answer "Very few."

Yet accreditation is perhaps more important today than ever, reflecting the nation's preoccupation with credentials and paper qualifications. More people and agencies than ever seem to rely, however ill-advisedly, on the stamp of institutional approval of the regionals. Today's college students are much more migratory than they have ever been in the past, and the passport relied on most heavily by institutions in admitting them is the regional accreditation of their previous institutions. Both the federal and state governments depend more on regional accreditation for making grants and loans than was ever true in the past. And entry to professional schools, as well as entry to professions themselves, is increasingly open only to persons who received their training at regionally accredited institutions.

In short the regionals are now in a position to do more harm than ever before and also in a position to do more good, depending on which way they wish to do. The Marjorie Webster case, one hopes, is not an augury of the future. The attitude of the regionals toward the proprietary question was conditioned far more by sheer prejudice than knowledge. Even worse than their refusal to try to evaluate proprietary schools—of which there are unsupervised thousands in the United States enrolling hundreds of thousands of students—were their *reasons* for doing so.

As just one example, the pious and protracted testimony by Middle States about the many virtues of nonprofit operation smacked of a double standard. Middle States tirelessly made the claim that nonprofit institutions devote their full resources to the academic program while proprietary schools are burdened with taxes as well as their owners' passion for profit. Marjorie Webster might have replied to this argument, but did not, by asking Middle States what it intended to do with major institutions among its own fully accredited members who now find themselves paying similar taxes or otherwise diverting their resources from the educational program. What will it do with the seven colleges and universities in Pittsburgh, for instance, if the recent city ordinance requiring them to pay taxes is upheld on appeal? Will it disaccredit such institutions as Carnegie-Mellon University and the University of Pittsburgh because they have "assumed a burden of taxes," as Middle States said of proprietary schools, "which necessarily prevents them from devoting these resources to the development of their programs?"

Princeton University recently decided to make voluntary annual

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tax payments to the town whenever the properties it acquires reduce the town's tax revenue. Harvard does a similar thing in Cambridge. Dartmouth pays the town of Hanover a tax on the college's "auxiliary enterprises" (its revenue from board and room and related operations). Yale spends a lot of money on non-educational functions for New Haven. As everyone knows, there is a national movement of this kind in which tax-exempt institutions are beginning to pay what in effect are taxes. Clearly, such institutions are not, in Middle States' favorite phrase, "devoting their full resources to the instructional program." Will Middle States therefore disaccredit Princeton and its other members who are no more able to dedicate all of their resources to their program than is a proprietary school? Somehow, one doubts it. This sort of double standard on the part of the regionals, and their inability even to see that it is a double standard, throws doubt around their capacity to reform themselves.

Their standards and criteria

Equally as serious as the general inflexibility of the regionals is the inadequacy of their standards and procedures for judging institutions. This problem is only indirectly related to the Marjorie Webster case, for the college was not challenging the validity of Middle States' standards apart from the proprietary exclusion. But the problem is clearly related to the question of reforming the regionals, and the trial served to reveal how primitive the instruments still are which the regionals have developed for assessing schools and colleges. Such a disability may not be surprising, for little enough is known by educators anywhere to allow them to evaluate institutions with precision. What is surprising is that educators in general and the regionals in particular seem loath to acknowledge this deficiency at the same time that the regional associations are allowed to exert an excessive degree of control over education.

Perhaps the simplest way to illuminate the problem is to ask what it means to be a "fully accredited institution." All one can say is that it means that an institution has met some kind of rather vague organizational, financial, and academic yardsticks, but that it may or may not offer an education of high quality. A glance at the membership list of any or the six regional associations indicates that almost any nonprofit institution can get some sort of regional recognition. An institution may even lack a faculty and may not have a single student on campus, and indeed may not have a campus, and still be granted the status of "Correspondent." Even the fully accredited lists carry the names of institutions that educators in moments of candor would agree are schools to which parents should send their children only as a last resort. What then does accreditation really say to the consumer? Very little that he can rely on.

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What is one to make of "the state of the art" in accrediting when Middle States' witness Meder, a man of long experience in accreditation, says that to him,

> The real meaning of accreditation is that an institution has knowledge and integrity. It knows what it is doing and how to go about it; it understands the game and that it can be counted upon to—by integrity, I mean that it can be counted upon to enhance its strengths and improve its weaknesses.

Is one seriously to accept this as a description of what accreditation means? Or does it mean what Middle States' president, Glenn J. Christensen had in mind in saying that, "In my experience, the quality of the institution's program can be measured only against two things: What it would like to do and what it is able to do." That criterion would seem to accommodate not only proprietary schools but any other kind of institution, including a college of thuggery or prostitution. Middle States' witness Jones, who presumably has thought as much as anybody in the country about how to evaluate institutions of higher education, said:

> I suspect that climate, atmosphere, the spirit of the institution, of the faculty in its scholarly profession is supremely important in higher education. We base a good deal of our concept of evaluation on this.

And how does Middle States measure such abstruse qualities as climate, atmosphere, and spirit with sufficient precision to say that one institution is to be accredited and another is not to be? The answer is that it really doesn't do so at all. It throws the accrediting net so wide that it takes in almost anybody, thereby relieving itself of the necessity of refining its procedures so that more careful and reliable judgments could be made and defended.

In view of the inexact nature of a Middle States evaluation, one would suppose that visiting teams would frequently produce minority reports, and that objections and formal appeals from aggrieved institutions would be even more common. But not so. A minority report has *never* been filed by a member of a Middle States visiting team. An appeal from a Middle States decision has never been filed by an institution. *There has never been a case of disaccreditation in the history of Middle States.* How does one interpret this incredible consensus? Is it just fantastic luck, or evidence of stiff standards, or of slovenly standards? Deponent saith not.

One of the most glaring deficiencies of the regionals has been the lack of good research on their own standards and procedures. Not one of the regional associations, not to say FRACHE itself, carries on a sustained program of research into its own operations. North Central comes closer than the other five, but even its research efforts have been minimal and erratic. One might have thought, for

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instance, that before adopting a policy excluding a certain class of institutions from membership, such as proprietary schools, the regionals would have done some research on the question of whether the regionals' own standards and criteria could or could not be applied to the excluded schools. But instead the regionals simply decided *a priori* that proprietary schools were either inherently inferior or could not be adequately assessed.

It remained for the Office of Education's witness, John Proffitt, to reveal that his office had conducted a survey of educational research of the last ten years, and had held numerous conferences with educators, to determine whether there was any empirical evidence or research data showing the relationship between the proprietary control of an educational institution and the quality of the institution's program. No evidence was found to indicate what the relationship, if any, is. The regionals should long since have made this determination, and would have if they conducted an adequate research program into their own operations.

These deficiencies of the regional associations are important only because of the power these agencies exert over the conduct of education in the United States. With the formation of FRACHE and the prospect before us of a monolithic, national accrediting "cartel," the question of excessive power needs to be faced. Unhappily, few educators seem inclinded to face it. Many are unaware of the dimensions of the problem, and many others are not much interested in it. Still others are anxious to avoid offending their regional associations for fear of reprisal against themselves or their institutions.

This fear was a factor in the response of some outstanding educators who were approached to testify for Marjorie Webster and were sympathetic to the college's position. More than one such person decided not to testify because of his fear, whether justified or not, that his regional accrediting association would subject him or his institution to punitive measures. Courage may not be a distinguishing characteristic of educators, but when responsible and highly placed men feel intimidated in this fashion by regional accrediting associations, perhaps somebody should have a look at the associations.

One way of diminishing the power of the regionals would be to create competing nongovernmental accrediting agencies, although this possibility is not a good one. There is not enough support from institutions themselves for such an idea, and the National Commission on Accrediting is striving to reduce the number of accrediting groups instead of increase it. There is the other possibility of governmental accreditation, either state or federal or both. The states already have the authority to accredit institutions but lack the resources and especially the will. The federal government is bending over backwards to avoid any suggestion of federal control of educa-

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tion and is strongly disinclined to move into accreditation unless forced to do so by the continued unresponsiveness of the regionals.

In all probability, the regionals will continue to prevail as monopolistic, if not coercive, organizations. A beginning of reform might be made, therefore, if a blue-ribbon national commission were appointed to undertake a critical examination of the regionals and perhaps of accreditation in general. Such a commission should be broadly representative of both the educational profession and the public and a majority of its members should be from outside the accreditation field.

Another way to start the reform process would be to press the regionals to do a number of things for which no national study is needed. They could, for instance, put some laymen on their various commissions and boards. They could involve more outstanding humanists and scientists in their operations and fewer educational administrators. They could do some decent research on their own standards, criteria, and procedures. They could reduce the secrecy that seems to surround their activities—by making, say, the reports of visiting teams public documents in order to afford some guidance to students and parents about institutions of higher education, and at the same time insure the preparation of better reports than are now customary. They could, in view of the various failures of American schools and colleges, enlarge the options and alternatives in the educational system instead of restricting them.

In a word, the regionals ought to be leading the way toward the solution of our problems rather than protecting an established order that has proved unequal to these problems. Perhaps the Marjorie Webster case will provide the impetus to change. Meanwhile, we might keep asking of the regionals a question Juvenal once asked, "Who will stand guard over the guards themselves?"

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Revolution instead— notes on passions and politics

GEORGE P. ELLIOTT

THE confusion of my political ideas and feelings sometimes becomes so grave that, feverish with rage, contempt, dread, despair, intellectual claustrophobia, I am alarmed by my own instability. Rage: at criminal oppressors, whether slum landlords for their soul-stagnating exploitation of the cowed, or white-sheeted assassins waylaying blacks and civil rights workers, or war-makers. Contempt: of mugwumps and cowardly hypocrites forever; currently, of young self-proclaimed revolutionists who, in the name of exalted ideals, Freedom and Justice, provoke from authority a responsive violence, an illegal force, a tyranny, which must be one of the things they really want—why else would privileged taunters, these new remittance men, throw plastic-bag bombs of urine in cops' faces and call them pigs? Dread: of technology; of our future which, to the extent it can be imagined, can hardly be desired by us as we are; of what science has sanctioned us to do with its potent marvels first in the West and then to all mankind. Despair: of any remedy to our plight; what we most need is a change of heart, and no political change imaginable could accomplish that, only a religious one, and none such seems likely to happen. Intellectual claustrophobia: from onrushes of thinking about all this, trapping myself every time, no matter which way I go, into the mad notion that man himself, the world itself, is mad. The notion is mad both because it is unreal—after all, much of what I know about

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these matters comes to me through the mass media, that pseudo-reality, not through my own experience—and also because it is irreconcilably self-contradictory, darkly unthinkable.

Moreover, during this past decade, the political disturbances in myself, the institutions I am part of, my country—throughout the whole earth—have not kept me from taking political actions which I see in retrospect as having a certain coherence, and these actions are far more moderate than are most of my political feelings most of the time. I yearn to be an anarchist and tear apart our blatantly wrong society—Yippee!—and I yearn even more to be a dictator and impose my will as law. (Actually I would probably turn into a routine despot in no time at all. From the small experience I have had in the exercise of power, I am unhappily sure that, as autocrat, once I had promulgated a great edict setting many things straight, I would be so riven with doubts that I might very well allow flatterers to surround me, soothing my spirit with unctuous murmurs: "You were not wrong, you did not make a mistake, do not falter for we your people need you, you are right, you are right, you are right.") But, as things stand, when push comes to shove, I settle for that pallid oxymoron *conservative liberal* in order to act at all. I am a libertarian who likes socialism even less than capitalism. I am a man in between.

Even though my hottest feelings about our society are revulsions—from its corruptions, from the tedium of its processes, from the envy it propagates, its zeal to sully the excellent and bring down the high, its pimping for mediocrity in the name of justice—still, I believe in representative democracy enough to accept our oligarchical version of it. I do not believe in republican government the way a Christian who has the wicked devil to hate with half his heart can with the other half adore the one, the just, the good and only-good God, but in the way a pagan has to put up with the complicated, whimsical gods he was born under. Knowing they are at least as bad as good and wishing he owed allegiance instead to a glamorous One he has heard about in a kingdom over the sea, he performs impatiently—yet he performs—the mostly drab rites they demand of him. I wish I had over me a monarch whose authority was divinely ordained; then, his defects as a man and errors as a governor would be much easier to put up with, being in the nature of things and none of my doing. But in a secular world the office of governor must be authorized by the governed—otherwise, rule by fixed bayonets, with which we are threatened—and the governed must assume more responsibility than most people want—otherwise, rule by money, which we largely have. Finally, I guess, since America is quite secular, democracy must be worth our trouble. Like Kent, I would be happy to find a king, even without a throne, to whom I could say: "You have that in your countenance which I would fain call

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master." But mad Lear teaches me what I, democrat, am likely to settle for: "A dog's obeyed in office." I wish it had been the gods who put Lyndon Johnson above me; but since I helped in a tiny way to put him there, I also could and did help in a tiny way to restrain him from the tyranny he showed signs of yearning for; and that was worth doing.

In this world generally, but in a republic especially, we must help one another stop in time.

* * *

Just as marriage connects a man and a woman who will mold each other in any of innumerable combinations, so the institution of marriage is the principal mode of intercourse between sex and society, between libido and law, an intercourse essential to the welfare of both. Uninvigorated by libido, law petrifies, becomes too rigidly unyielding in some respects and much too easy to break in others. But the converse of that seems to me no less true and at present more important: unrestrained by law, libido tyrannizes. *To get all you want of it* is less likely to make you connect with or know others, or even one other person, than to make you go for *it* all the time; and metaphorically this is a tyranny. But, worse, like a usurer creating money out of money, you can develop an artificial appetite for sensual satiation, a super-appetite itself insatiable, and finally, sapped by insatiety, you may very well yearn for some outside force to restrain you; and this is an open invitation to literal political tyranny.

During the past decade America has been undergoing, for much-discussed reasons and in over-advertised ways, changes in sexual attitudes and customs—what is called "The Sexual Revolution." Contraceptives and abortion, in addition to antibiotics, have made it possible for sexual indulgence to be exempt from the old consequences to a degree and with side-effects which our ethics have not yet been able to accommodate; but what, in my opinion, constitutes a political threat is that, in reaction against the excesses and distortions of Puritanism, society has taken to condoning sexual indulgence without positively approving it, has de-moralized it. The demonstrable ways in which this is being done are the sanctionings of pornography and of open promiscuity; what matters more is a deepening acceptance of, or at least permissiveness toward, sexual hedonism. This means letting body-health pleasure replace responsible love as the purpose of every kind of sexual action and combination (including coitus, which this hedonism holds to be superior to other varieties of "genital gratification" only if you make it so). The phrase "to make love" has already turned into a mere euphemism, and at the rate things are going it will soon be tossed into

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the discard pile along with the Biblical "he knew her;" what will replace "to make love" is not yet clear; the expression I hear most often is "to make it," as in "he made it with her." (This is the same *it* Lear used for the fitchew, the small gilded fly, the soiled horse: "To 't, luxury, pell-mell! for I lack soldiers.") Add to all this the widespread acceptance of divorce, and our already undermined institution of marriage may come to be so badly subverted that law and libido would lack any good way to benefit each other and we would lose what civility we have. Troublesome as democracy and marriage both are, tautening to the soul, and despite their presently impaired condition, still we had better conserve them, try to rehabilitate them. I grant that a revolution, especially a figurative one like "The Sexual Revolution," is a lot more fun, the rewards being immediate, as well as a whole lot easier, for it is hard work keeping your balance in a storm. Even so, I am against that easy fun, for I fear that, in reaction to the threatening dissolution of libidinal anarchy, we would gain instead a totalitarian despotism no less evil.

* * *

The violent passions that turned the French Revolution into a terror were initiated in good part by an ossified monarchy that was both unjust and incompetent, but the course of the revolution was not toward the limited goal of a less-unjust, competent government. Too many of the revolutionary leaders had limitless aspirations; their actions were sanctioned, were morally authorized, by the *philosophes* of The Enlightenment, especially by Diderot and Rousseau. It is sublimely appropriate that, when that symbol of the Old Regime's tyranny, the Bastille, symbolically fell in the name of Reason, the most important prisoner set free was the Marquis de Sade; for in him The Enlightenment was given a fourth, dark dimension (which would have horrified the proper *philosophes*). "Unchained, natural impulse is good? Very well, *my* strongest impulse is to inflict myself on others," and he did by word and deed.

(Mythically, that is all very fine. The facts are just as good. When the Bastille was opened to the mob, only seven prisoners remained in it to be liberated. Sade, for the safety of his person, had already been moved to Charenton, an insane asylum, and was freed from there some time later. The same Revolution that made a goddess of Reason by crowning a naked chorus girl in the Cathedral of Notre Dame set loose in society the man who gave sadism its name. More than set loose: he was so criminal, mad, and idealistic that the Terror overcame its suspicion of his noble birth and made Citizen Sade an official in Paris. However, this man who wrote the vilest books in the world was sentenced to death because he was not cruel enough; he neglected to turn in political suspects for execution

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(being also a murderer, he was, reasonably enough, opposed to capital punishment). He escaped guillotining only because, at the last minute, the batch of cannibals who were about to devour him were themselves cannibalized by a fresh batch. When Napoleon had rigidified the new tyranny, Sade was locked up again in the madhouse, where he died. No myth-maker could improve on the timing of his death: it occurred late in 1814, shortly after civility began trying to establish itself in France.)

The French Revolution remains the paradigm for modern revolutions generally, and again and again you can see its influence in the way rebellion is sanctioned, even in circumstances which are wildly inappropriate—as "The Black Revolution" is currently in the United States. The blacks cannot possibly take over, as the French people could, and our government is utterly unlike the Old Regime, if only in that it has self-change built into it and is responsive to pressure. Yet, when a radical black such as Eldridge Cleaver speechifies, his ideas derive from and are far more appropriate to the Enlightened revolutions, American, French, Russian, than to the plight of American Negroes now. When he speaks of *what was there* in his criminal days, he can be very eloquent, but his bombastic political writing is also praised extravagantly. Intellectuals descend directly from *philosophes,* and, though they appear highly sophisticated, in this respect they enjoy having their political buttons pushed as much as American Legionnaires at a convention. There is nothing they applaud more easily than anarchy in the robes of Justice.

As for Martin Luther King, that peace-lover, these same intellectual radicals are not quite openly contemptuous of him; after all, he failed in a useful way, for his martyrdom did stir up a good deal of rioting, which is at least a step toward revolution; but I have heard a couple of them dismiss him as "a Tom." It seems to me that nothing is more expectable from a great nation like America, and less likely to cause a change for the better, than violence. What is radically different from great-nation politics is to press steadily for a non-violent redress for injustices. Our cops and our violent radicals have more in common than either has with King—that "notorious liar" (as J. Edgar Hoover called him), that Uncle Tom. Who is less American than a man who will stand up to you but whom you cannot provoke into hurting back at you, who would forgive you if you let him?

* * *

I chanced to be in Times Square one noon as fifty or sixty conventionally dressed, quiet women came two abreast down the sidewalk carrying signs protesting the war in Vietnam. At first my liberal hackles rose to see two policemen accompanying this civil demonstration, but then I saw why. A fortyish man in a

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rumpled suit, eyes bloodshot, voice raspy, mouth stretched, face lined like Hate in a morality play, was pointing his finger at the head of a grey-haired woman not two feet from his aim, and he was calling her, over and over with various insulting epithets added, a draft-dodger. Only force could have stopped him, but he was not quite breaking the law. I am glad the law permits those women to do what they were doing; and, if it does that, it must also permit that man to do what he was doing. But I think the law should make it very very hard, instead of very very easy, for him to get hold of a gun.

* * *

A couple of times when my political confusion has become acute, I have turned back to John Stuart Mill's *On Liberty*, especially the first two chapters, and imagined with his help the polity I believe in most.

I have not turned back to Marx, though he is much more important in the world at large and though I have tried him. For a long time he persuaded me that capitalism was the chief source of social evil, and maybe it once was—my economics and history are deficient. But now it seems to me that industrialization was more important than capitalism in shaping the modern world; that capitalists are only one group of rulers in the United States, not half so important as party bosses in determining policy; that competition in most social matters, and certainly in economic affairs, is a positive good. Most of the vices of our capitalists are only to be expected of power men, but some of their vices are unnecessary; of these, the one I hold against them most is that they use their vast fortunes so ignobly, so uglily; the Doges did better. Moreover, Marx never persuaded me of the beauty of socialism. I read Dostoevsky too, and thought him wiser than Marx; about socialism, he was right. I have always distrusted monopoly; to a half-Quaker half-Methodist, the One True Church has no reality; the One True Party, the One True State—these are as unreal to me as Pan-Slavism or America First. And, from what I know of socialism where it is in power, its homogenizing tendencies are formidable; combined with the stultifying standardization natural to industrialism and the envious leveling latent in democracy, socialism triumphant would make a world I cannot bear to think about. I am sure it would have horrified Marx too, though he has helped make it possible. Though I admire his high intelligence and the ferocity of his moral passion, his German-philosopher prose and his determinism throw gravel in my mental works; but what finally sets me against him is antipathy for two of his erroneous premises, one based on an emotion, the other on a dream.

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The emotion is hatred of injustice—obviously in itself a good, an emotion without which no man can be said to be all there—but Marx's error is to make it his over-riding political passion. I mistrust a devoted evil-hater, for his impulses are not just negative, they are doubly negative, and he becomes a dogmatist. The main thing he will want to do is to destroy: first the evil institutions and men he hates, then also those like me, who, seeing things as more complicated than that, would restrain his zeal to destroy. Even so, without being a zealot I have that same double-negative feeling often enough; though I wish I could love Justice more than I hate injustices, in fact I don't. For this emotional reason, I find myself, as do most libertarians, in sympathy with revolutionary Marxists in many proximate situations, though not in ultimate ones. (This sympathy does not extend to those who have won the revolution and become the new rulers.)

But about Marx's dream of a classless society as the end of progress, paradise attainable in history, I do not have double feelings at all. Next to the nightmare of exterminating mankind, no political dream seems to me more dangerous. It would serve as a useful gimmick in a science-fiction story, I suppose, like rational carrots and time-warps, but as a basis for political thought leading to action, it appals me.

According to this dream—which was not Marx's dream in the first place but The Enlightenment's and which I do not pretend here to summarize objectively—man's aggressiveness in all its forms is a serious misfortune and the source of most of the wrongs of the world, but if we rearrange society rationally, our aggressiveness will disappear and we will all be Noble Savages together, everybody will love everybody. Behind this dream, authorizing it, is a cluster of rationalistic notions which by now are so familiar they no longer seem monstrous: our impulses are natural and therefore good, and society, by restraining them, is the cause of most of our troubles whether individual or collective; aggression is an emotional perversion, a compensation for frustration and inadequacy; totally freed, we would cease to be aggressive, no longer wanting or needing to govern or be governed. Perhaps most dangerous of all, the dream of man's perfectibility, or even of his improvability, sanctions in those who believe in it—Marxists, socialists, most progressives—the very sin they most deplore. In the name of progress, they fervidly intrude on others; they feel sanctioned to impose on you what they are sure is good for you whether you think it is or not, and they do not clearly recognize the offensive character of what they are doing. "We are going to study you and make you clean and prosperous whatever your customs or your gods say." Beside them, even Christian and Moslem pistol-point missionaries don't look so bad; when they set about saving your soul, it is *you* they are intruding

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upon. By granting that you have the power to choose, to behave wickedly or well, they do not vaporize you, as progressives do, into an uneducated underprivileged passive victim without a choice, the clay of History, but leave you at least your self. It seems to me evident that to deny the goods of aggression or to call them evils, is to pervert the whole impulse hideously.

Back to Mill. Back to secular libertarianism and sane assumptions: man's imperfect impulses need restraining and directing by government, but his self must be left alone; we must combat *these* injustices, in full awareness that Injustice will be always with us; men with free (and therefore unreliable) wills are what matter most in this world; you may have committed a crime because you are deranged and therefore ought to be helped or because you have been victimized by society and therefore ought to be excused and rehabilitated, but you may have committed it because you wanted to for no sufficient reason (this is what freedom of the will means) and therefore ought to be punished; like the welfare of a child in a family, the welfare of a citizen in a free society depends, among other things, on the administration by authority of firm punishment for the violation of clear rules; the many must consent to be governed by the few, who must be responsive to the needs of the many.

Libertarianism, with its complexity, its stoicism, its refusal to promise lots of freely flowering love after the withering away of the state, has far less appeal in desperate times than revolutionary Marxism. A chronic hater easily becomes addicted to regular shots of diabolism mixed with paradise-dreaming; they give, every time, both a jolt of energy and an opiate pseudo-cure for the lesser afflictions of life. In addition to its lack of glamor, libertarianism has another serious drawback: it demands more of a citizen, more self-restraint and participation in governing, than most people want (or perhaps are capable of). Nevertheless, for lack of better, I am going to go on believing in it. For a government to work reasonably well and for its country to prosper spiritually, not all citizens need to participate in it, but enough to govern; and a great many must regularly assent to being governed, by voting and paying taxes. I think the forms of our government permit civility, and I also think there are even now enough responsible men left to keep things running, or enough at least to keep things from coming apart completely. May there be more soon.

It is easy to say, and some intellectuals do say, that our social system is so defective that we should not try to stop it from destroying itself. "Doom! Man is an evolutionary mistake! He might as well do himself in now as later!" This sounds to me like self-indulgent not-thinking, a way of saying: "I'm not-thinking very satisfactorily, thank you. You ought to try it my way too." I believe that, if our government collapses for whatever reason, those who are against

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totalitarianism of any sort (*and* who do not succumb to despair) will work with all their strength to construct another system of government fundamentally like ours now, and probably fail. This is reason enough, it seems to me, to be against destroying our system by revolution or encouraging it to destroy itself ('let's start all over'), but instead to be for conserving it, for repairing and strengthening it, for increasing its authority and the exercise of authority within it.

* * *

Two liberal Jews.

She remembers that one morning her father gave her 4,000,000 marks with which to buy a notebook and that she lost the money on the way to school. All it would have bought was a little notebook, and by afternoon it would not have bought even that; yet, four million. . . . At eighteen she escaped from Germany with her parents, but two grandparents and three of her six uncles and aunts disappeared never to be heard of again. . . . When she finally was admitted to the United States after the war, she felt happier and safer than she could remember feeling ever before. But after a while it occurred to her that she could not accept the benefits of the American social arrangements, as she was doing, without also accepting a commensurate responsibility for them, as she was not doing and as she had no natural inclination to do. She who had suffered bitterly from racism must not let it go unopposed, much less benefit by it even indirectly. Having experienced anarchy and totalitarianism, she does a certain amount for the civil rights movement—nonviolently, usually though not always legally—that civility may survive.

His parents were prosperous and liberal second-generation New Yorkers, and they had, as was conventional, supplanted their parents' religion with faith in science and a disposition toward socialism. In college, he acquired an ardent faith in the most idealistic anarchism: no government, man is good, science will save us, progress. He became a surgeon. But, though he charged only the going fees and though he did more than the customary amount of charity work, he became rich; he bought a place in the country, cultivated expensive tastes in food and wine, began to acquire paintings and statues. Where was the equality in this? He entered psychoanalysis, and came out of it dismayed. He had become a surgeon not only because he wanted to help people but also because he liked to hurt them and even more because he enjoyed playing the dictator in the operating room. He liked his superior status in the social hierarchy. He liked having more money than most people. It made him feel very good that when he said to people *jump* they said *how high?*

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Moreover, he wasn't about to relinquish any of these bad things he liked so much. He was vile. Man is vile. You can expect anything of anybody, and technology—which used to be our main hope in a hostile world—has given men terrible destructive power. The only way to preserve what there is worth having is with guards. Totalitarianism is inevitable. . . . The stronger his conviction that The Day he dreads is surely coming, the sourer his impatience with liberal causes and with the very idea of civility, much less that impaired civility of ours which is all he has ever experienced. The last time I saw him, at his home for Thanksgiving dinner, this surgeon tore the drumsticks, thighs, and wings off the turkey with his bare hands.

* * *

Partly, young American political radicals now are merely conforming to the two-centuries-old Enlightened tradition of how to rebel. But most of the inappropriateness of their behavior and rhetoric derives, I believe, from their not admitting what they are most opposed to. If you accuse a manifestly flexible government of rigidity, cry out against the evils of a society and deny its goods though one of those goods is your right to cry out, and urge your faction to tear it apart NOW though it is manifestly too strong for you to tear apart, then, no matter whether you are sane or insane, what you really want must be something other than what you say you want. A true, whole revolution consists of the violent and illegal destruction of a government by a group out of power which then sets up a new government. But our nihilistic anarchists appear to want only the first, destroying, easy half of revolution. They say they are against Injustice and for Freedom, but they do not devote their energies to remedying specific injustices in one of the freest—maybe it would be more accurate as well as more unpleasant to say one of the most permissive—countries in the world; they would destroy this government without having a new system of government to put in its place. This can only mean that what they really want is to remove every restraint on impulse, to abolish governing itself.

The nihilists are not unique; anarchic resentment of restraint has always been endemic in America—the feeble because unpopular gun-control laws, for example. If government in the United States collapses, as could happen, it will do so partly because it does not govern enough and partly because it meddles in enterprises which are none of its business (for example, operating the universal education system) but even more because so many of its citizens refuse to accept our halfway adequate government, much less to participate in it. Indeed, considering how widespread is the reluctance to exercise or accept authority, beginning in the family, we are being governed now no worse than we deserve and perhaps better.

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"Control as such is evil." I heard a man say that. I was on a panel with him. He was an obviously intelligent, apparently sane young man, an associate professor of English, a scholar-critic of good repute. He said that the great merit of Burroughs' *Naked Lunch* was to force upon us an awareness of the true nature of our aggressive urge to control others. He cited as his intellectual authority, as the thinker who had primarily authorized him to assert "control as such is evil," Norman O. Brown, and I think he is right. For our political nihilists now, Brown is the most important proximate authorizer of their attitude toward government, even though he does not overtly support this attitude in his books. One part bad Freud, one part good Rousseau, and another part rampaging permissiveness, his thesis is that psychic repression, or inhibition, is the root of human ills—as though the Bastille caused Sade's cruelty. Brown dwells largely on the paradisal benefits of removing sexual controls so that everyone can freely and joyously partake almost sacramentally of polymorphous-perverse sexuality (translated, this means baby sex, lick diddle and suck, "if it moves fondle it"). *Zeitgeist* approves the notion, and Brown's believers simply apply to politics the master's teaching about removing restraints: Paradise Now. The fact that the most rudimentary control of all, of mother over baby, patently cannot be removed, being essential to the baby's survival and a source of happiness for the mother, does not faze these zealots. But then, zeal seldom is fazed by plain good sense.

They really mean it. The New York Times for 2 August 1969 carried a story about a conventional hippy group in a valley in Oregon—nudity, drugs, repudiation of money, free love, "do your own thing." A former money-earner named Big Tree, his wife Little Tree, and their daughter Lotus Tree had found contentment there, despite obstacles and hardships. "Some will stay," the article concludes, "but even those feel they are only beginning their quest. As Big Tree put it one day, pointing to his baby daughter: 'We're waiting for these kids to talk so we can find out the next step. We're waiting for instructions.'"

One has to do something to keep from recognizing the lunacy of notions like that. Drugs are useful. Lotus-land.

* * *

'To get to Paradise, we must denude ourselves of all restraints.'

Not likely. There is no quicker way to achieve the Hell of totalitarian oppression, of which Lotus-land could handily become a subject province, than by aiming for Paradise Now.

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'Be sincere! No hypocrisy!'

In Greek, *hypocrite* meant *actor*: without some role-playing and some controlling disguises, there can be no civility. Among other things, civility is the practical art of controlling aggression.

At the Woodstock melee in the summer of 1969, upwards of a third of a million young people were breaking the law by taking drugs in some form. The police knew this but did not stop them, indeed were positively friendly with them.

Drugs as a substitute for government, including self-government. By drugs, I mean not only the very strong ones but also marijuana, even though, we are assured, its physiological effects are no worse than those of alcohol, if as bad, and even though marijuana in moderation can afford innocent pleasure and alcohol in excess can cause lifelong misery.

I hope marijuana never attains the mass popularity of alcohol. I think alcohol is generally superior, not only because it is customary and because it tends to increase rather than to reduce social intercourse, but even more because it does not petrify ("stone") the emotions, especially the aggressive ones, as marijuana tends to. I enjoy a certain amount of open aggressiveness in myself and in others as much as I enjoy a certain amount of wine, and the two go well together. I value more highly the love which controls—restrains, redirects, converts—its aggressive feelings than the love which stones them in the hippy manner. Anyone who knows me must be angry with me sometimes; I certainly find it painful to be held accountable for my offenses, but I infinitely prefer that pain to having an essential part of myself ignored, not known; when I am held accountable and then forgiven, I am loved indeed; one who drugs his anger with me can not love me much, even though he does it under the hippy banner of LOVE, for he does not count me worth the trouble and risk of engagement.

However, the sudden popularity of drugs dismays me not just personally but also politically, for I take all kinds of self-government seriously.

* * *

The best we can hope for from the de-aggressioned is Beatles' music, and that is not good enough.

Without aggression there would have been no Venice or Kyoto, those most beautiful of cities, for the engine that drove the builders was powerful men's competition for glory. Individually to each other: "Look how glorious I am!" Collectively to their neighbors: "Look how much more glorious our city is than yours!" Without aggression, no desire to excel; without the fruits of excelling, men would not have much worth having.

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Obviously, uncontrolled aggression is terrifying, destructive, a source of evil (as is uncontrolled libido). When old Lear abrogated his authority and transferred his power to the wrong people in the wrong way, the civil controls were wrecked, and aggression and libido were set loose. Some turned into lustful fiends, some went mad and were swirled about by thunderous winds, and very many were murdered before a control was restored. This, the strongest of plays, has as its central theme what happens when authority is transferred wrongly or abrogates, for there is no more important concern in the city of this earth. To be able to imagine those forces released and yet to control them in forms adequate to their power, as Shakespeare did in *King Lear,* is to make what surely is as great a thing as any man ever made. Civility, like high art, orders aggression well.

* * *

If a society wants the fruits of excellence, it must encourage competition. What can be done about the sadness of those who enter the competition and lose?

One way of handling this problem is to insist on subordination as in the nature of things. Some men are stronger than others, some make better temples, some have more money, more intelligence, better health, more luck, higher status, and there is nothing to be done about the fact of these inequalities, though perhaps something can be done about specific ones. You do not have to enter the competition. If you do what is appropriate to your station in life, you will then be free to admire the fruits of those who have competed and, gifted and fortunate, have excelled. If you enter the competition and do only modestly, yet you have done something well, worthy of some admiration. If you enter and fail entirely, you will surely suffer but you are not necessarily despicable; you may only have made the mistake of thinking you could compete when in fact you lacked the ability, a forgivable error, or you may have been unlucky. The advantage of this system, which is the dream of aristocracy, is that it encourages admiration of genuine excellence and reduces envy. An aristocratic society has a strong affinity for artists, for art is by its nature hierarchical—some works of art really are better than others, as artists know best of all. An architect is more likely to design something superb if a proud *shogun* says "You are the best, make me a magnificent palace" than if the city planning board commissions him as one of a "team" to collaborate on a housing project. His political views may tell him that housing common people is better than glorifying the great; his ambition tells him otherwise; and an artist's ambition is far more intimately connected with his imagination than is his political philosophy. Socialism has

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produced no great art and, I think, will produce none—neither the free, just, equal, reasonable socialism of the dream nor the totalitarian socialism of the Communist reality. Egalitarianism, by making it shameful to have too much or too little money, robs the poor of the dignity of status and takes all magnificence from the ostentation natural to the rich, thereby vulgarizing both rich and poor. Whether aristocracy has ever worked very well I do not know; it hasn't a chance any more; but it was a fine dream and out of it came many if not most of the marvels of art.

Egalitarianism has been ever-increasing in the modernist period, and because it denies that subordination is natural and a social good, it has no adequate way to handle the problem of those who compete but fail to excel. In such limited areas as sports and musical performance, subordination cannot sanely be denied (this doubtless has much to do with their popularity among us, for we need an occasional jolt of flagrant competitive excellence as antidote to the lies of equality). But in social arrangements subordination can be and is subverted. "It's just a matter of opinion, and mine's as good as yours." "He thinks he's so great, but he's no better than I am." *Vox populi Americani.*

Of all the noble social ideals, equality is the most dangerous. The Christian ideal that all men are equal in the eyes of God at least gives comfort to the miserable who believe it is true, though about the only thing in human experience that supports it is the awe we feel in the presence of the dying. But the secular—and valuable—ideal that all men should be equal before the law has spread to areas of concern where it is not only inappropriate but harmful. Because equality came to be inextricably associated with justice, every kind of subordination, even the most natural, came to be felt as unjust, and this sanctioned envy. (I will not forget the teeth in the smile on the bland face of the failed poet who first denied that X's poetry was any good and then uttered these words: "It isn't *fair* that some people are more gifted than others.") The ideal of equality doubtless originated in reaction against the cruel inequities of tyrannical privilege. But instead of stopping in time, saying *everyone has the right to a fair trial,* the rational zealots went on to say *all men are born equal.* Once a decade this is absolutely true, when the census is taken, and every couple of years, in the voting booth, it is sort of true. At nearly all other times and in nearly all other respects, it is untrue, as anyone can see who takes off his liberal spectacles and looks. A rich young Senator with martyred brothers, and a poor stupid friendless alcoholic old housebreaker with a criminal record, are not equal, either in the hands of the police or in the matter of hiring lawyers or in the dock before judge and jury (any more than they are in the matter of obtaining medical care), and it is impossible sanely to imagine a live society with actual,

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functioning people in it which would not contain similar inequities. Still, an ideal does not have to be realizable to be of value. The ideal of equality before the law provides support for opposition to those Star Chamber and secret police methods by which the powerful are always tempted; it sets a sound limit to how much they can get away with short of brute force. Similarly, the ideal of equality of opportunity encourages the practical good of making education freely available for all. But such genuine benefits as these are almost outweighed by the cancerous consequences of egalitarianism, which, holding subordination to be a social evil, tries to not-think it out of the nature of things.

Egalitarianism tells you that "everyone has an equal chance" and so encourages you to enter some competition or other. (In this respect black Americans are luckier than white: all they need in order to keep that lie off is a horselaugh, whereas a lot of whites spend most of their lives toiling in it.) But most who compete fail, and failure hurts. A natural thing to do with this pain is to turn it into vengeful envy of those who win. It is one of the chief jobs of religion, ethics, law, custom, to help the losers not do this. Egalitarian materialistic democracy, so far from helping them refrain from envy, further exacerbates their misery first by urging them to compete no matter what and then by making the rewards of winning too often worthy of only a debased admiration. Two examples. In the middle reaches of the literary world, there is a widespread disposition to assume that a best-selling novel must be spurious. There, success, so far from being the reward of merit, is the proof of phoniness. For the other, less sophisticated side of the coin, consider Twiggy. An unattractive, untalented fashion model whose success was publicitously manufactured, she was able to do, and she did, nothing for her wealth and celebrity. Such success is an intricate perversion of our need to admire another for having done something worth doing. It is envy's egalitarian revenge on excellence.

Envy is the chief reason why, though I believe in republican democracy, I do not like it much. Coriolanus in Shakespeare's play is wrong, but I am on his side every time and against the citizens, for they are both wrong and ugly. There is no one I revere more than Socrates: he upheld the very laws which his inferior fellow-citizens misused to kill him with.

Many intellectuals believe that the two Kennedys and Martin Luther King were the victims of as-yet-undiscovered conspiracies. That is too rational for me. Envy assassinated them. What better reason for a failed American to shoot a man than that he is rich, handsome, fortunate, and powerful, or, most intolerable of all, good?

But the cure for the ailments of egalitarianism and envy is not a revolution—a violent overthrow of *this* government and setting up *that* one in its stead. Indeed, most of the revolutionaries around, be-

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ing socialists of one kind or another, would only exacerbate egalitarianism without showing the slightest understanding that envy might thereby be inflamed too.

I know of only one egalitarian solution to the problem of what to do about aggression, competition, envy, which is at all likely to work: drugs, the greatest Leveler next to death. The young anarchists in Chicago during the Democratic convention in 1968, despite a broad streak of nihilism and drugs, were at least combative and aggressive; to provoke the police, for whatever reason, is an action still visible on the political spectrum. But the uncompetitive, stoned hedonists at Woodstock, all aggression stunned, and their indulgent cops, solicitous as caretakers in a tranquilized ward—there is an image of egalitarianism rampant. Better they should live themselves to death, envy and all.

I don't think it is accidental that this image parodies a concentration camp. If a despot seized power in America, one of the first things he would do (if he were as smart as Chairman Mao) would be to "liberate" drugs from the repression of law and perhaps hand them out free. They are cheaper than secret police and tear gas and tanks and all such like, and it is our egalitarian rebels who use them most. He would do this, of course, as they themselves would, in the name of Liberty Equality Fraternity (even as Mao, the most intricate of despots, re-established his power over the young in the mid-1960s by sanctioning and directing their rebellion).

* * *

One evening in the spring of 1969 as I was driving to a nearby university to take part in a literary symposium the next day, I heard on the car radio that the students were in process of "liberating" the administration building. (Good Americans, just as our Secretary of "Defense" is in charge of making a war 10,000 miles from home, so our students activists "liberate" a building by seizing it.) The announcer said that they were doing this as a double protest: against contractors who were constructing new university buildings because they discriminated against black workers and also against the city police for brutally dragging a student out of a church where he had taken sanctuary. The action they were taking to protest the racial discrimination seemed in a muddled sort of way to commensurate to the magnitude of the injustice itself—*this* specific political action against *that* specific social evil (though unions are more guilty than employers of the racism in the building trades and though the university had only discriminatory contractors to choose among). But sanctuary? Not only did sanctuary fall into desuetude hundreds of years ago in Europe, before Christian America got started, but the young man, though he was not a Christian, had

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taken asylum in a Unitarian Church—and the Unitarians themselves are in doubt how Christian they are. It sounded like a parody: instead of a Christian subject's taking refuge in a Christian church from a Christian king's soldiers, a non-Christian citizen in a dubiously Christian church was claiming immunity from arrest by a secular state's cops, though he lacked custom to support him and though they lacked fear of sacrilege to give them pause. This must be a put on, but who was trying to put on what?

When I got to the home of a professor friend, I learned three more things. The first was that an important part of the reason the young man had been treated harshly was that he used and advocated the use of drugs; the cops who had hauled him in were from the narcotics squad. The second was that the chief of this squad was commonly thought to be under the direction of, and possibly a member of, the Mafia. The third was that another professor's son, a freshman, had telephoned his mother a little before seven to say he wouldn't be home for dinner because he was liberating the administration building. When she began to expostulate, he said he had to hang up, there was twenty other boys and girls lined up waiting to call their mothers. He got home by midnight, and she filled him with hot chocolate and toasted cheese sandwiches.

The president of the university obtained authority to order in the police when he thought the time right, and then, having consulted with the executive committee of the university senate, he sent into the occupied building professors whom the students were known to find congenial. They talked all night in relays. By seven in the morning, most of the students had gone home and the rest were tired. When the president told the holdouts that, if they did not peaceably evacuate the building, the police would go in and arrest them, they came out with their hands on their heads.

I witnessed two events. Shortly before two in the afternoon, going from one half of our wan symposium to the other, we passed through the central plaza of the campus. There, on a dry fountain, stood the leader of the uprising, exhorting a ring of two or three hundred students. In the hoarse voice of demagogic rage, his face a mask of Hate, he was speaking of the captain of the narcotics squad. "This man is not a human being. He must be exterminated on sight."

In the symposium hall, we had barely started when fifty or seventy-five rebels filed in shouting and waving placards. They urged the audience to join them or at least to come at four o'clock to the men's gym where "the people will take over." After a while they serpentined out, and we continued. Presently, as one of the panelists was in the midst of his talk, a skinny *sansculotte* with long sideburns and granny glasses got up from the front row and began writing on the blackboard behind us. Someone had previously printed CONCERNED STUDENTS JOIN US, and he was scrawl-

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ing over it the indispensable NOW. When we professor-participants glared around to see what he was doing, he scurried for the door muttering apologetically, "I'm sorry, the chalk squeaked."

At four in the gym the people did not show up, much less take over, and the whole thing fizzled out.

That evening I learned that the leader of this insurrection had recently dropped out of school, just six weeks before he was to get his A.B. with honors. He was one of the best English majors, his professors agreed; he had written that winter an especially fine paper on Diderot. One professor who had spent long hours that night talking the rebels out of further violence said that he was in favor of giving that budding intellectual his degree, anyway, certifying him not for what he had accomplished but for what he *was,* and a couple of others agreed it would be a good idea. (Nothing came of this. One can imagine what the president would have done had the proposal reached his desk. Or perhaps the reason it never reached his desk was that he was a man who accepted and exercised the authority of his office.)

I also learned that the enthusiasm for drugs on that campus was extensive. A couple of weeks before, there had been a symposium on drugs which had filled the gym to overflowing. At one point, a man got up on the stage to say that, after several years in prison, he had given up all drugs. Timothy Leary, the former intellectual, now *guru,* who took over from Aldous Huxley the role of sanctioning the use of drugs, said to this man, "If you mean it, take your clothes off." The man stripped, and went on speaking. The panelist on the stage who was disturbed most by this sincere nudity was the Black Panther, who kept saying, "Man, get dressed. Come on, man, put 'em back on." But then, it isn't Paradise or Lotus-land the Panthers want now, it is a fair share of the earth; however confused with Enlightened fantasies, they are still in politics; there is at least an off-chance that, if they refrain from mass-martyrdom and get what they say they want, they would stop. . . .

Not enough that a lot of these would-be revolutionaries should be kids with tin soldiers. Not enough that their leader should be a student of literary art mouthing murderous clichés. Not enough that the most important police officer involved should perhaps be a shield for criminals and himself a criminal. Not even enough that an intellectual professor who counseled restraint and legality at one time should recommended at another that the leader of this insurrection be given a degree he had neither earned nor asked for, thereby rewarding him rather than punishing him for his violent words and illegal acts. Worst of all, the crown of my confusion, was this: what the students were most enraged at, far more than at the evil of racial discrimination in the building trades, was that the police were making it hard for them to get all the drugs they wanted.

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That episode generated more turmoil in me than I could keep down with laughter. "I won't be home for supper, mom," and "I'm sorry, it squeaked," these were not enough. I felt like killing somebody; anybody; lots of people.

* * *

Lear to his two cruel daughters:

I will have such revenges on you both
That all the world shall—I will do such things—
What they are yet, I know not; but they shall be
The terrors of the earth!

But he did not do such things, because he could not. Then towards the end, to his one gentle daughter:

Come, let's away to prison.
We two alone will sing like birds i' th' cage.
When thou dost ask me blessing, I'll kneel down
And ask of thee forgiveness.

But that didn't work either: she was murdered in the prison, and his heart broke. Perhaps Shakespeare himself found what to do? I think of him in the words he put in Lear's mouth: he took upon himself the mystery of things, as if he were God's spy. No one ever spied for, and on, God better than Shakespeare, and he wrought as well as any man ever did. Yet that didn't work either, neither for the world at large nor for us who admire him above all other writers. Here we are anyway. (Maybe it didn't work even for him: he practically disinherited one of his two daughters, leaving nearly all his property to the other.)

* * *

When I hear a revolutionary proclaim "All men are brothers," I wonder "Who's the father?" and I can't help thinking of Cain and Abel, and the children of Oedipus and of Lear, and my own family. Being hypersensitive to sentimental metaphors, I object: "Isn't it enough for all men to aspire to be fellow citizens?" Nothing seems to me more dangerous than to model the City of Man on the City of God. In the City of God there is the perfect father and all men can indeed love one another as brothers should (and as they seldom, in this world, do). But in the fatherless City of Man, there is government, and—let's get right down to rock bottom—government is grounded on fear and domination.

The prime reason I have seldom disobeyed the law is fear of punishment if I am caught. I like to speed on the highway. The reason I no longer speed has little to do with the brotherhood of

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man or any other kind of love, and only a little to do with my own safety. It is because I have been caught twice by the cops and will lose my license if they catch me a third time and because they forced me to go to a class where a firm, gentle former truck-driver scared me with statistics and movies. Once when I was a bureaucrat for the National War Labor Board, I was offered the opportunity to make some money by graft. The immediate and strongest reason I refused was that I had a neighbor—as good a man as I—who had recently spent a year in prison because he was caught embezzling. In us who are less than saints, fear has incomparably more to do with civic virtue than does love.

Likewise, in most of us domination is a source of strength and gratification. The family I came from was well below the middle of society in status, wealth, and influence, though by no means at the bottom; and I am now, in those same respects, well above the middle, though by no means at the top. I like it better up, not least because here I suffer less from envy. When I was fairly low, I was, after my father, a sort of Quaker—Quakerism encourages you to aspire to saintliness—and I masked my envy for the high with pity: the poor-little-rich-boy syndrome. Now that I am fairly high, having little of the Buddha, the St. Francis, the Gandhi in me, I am not going to renounce what I have and descend in the scale if I can help it. Moreover, though I oppose the extremes of dictatorship and slavery, of destitution and untaxed, unearned, unreciprocated superwealth, and though I detest a scale which locates people in good part because of their religion or color, I am not going to try to abolish social hierarchy: it can't be done.

Aren't you glad that fear restrains the nuclear powers from using their bombs, and do you really believe that anything else will restraint them ever? Do you blame Augustine for being a bishop for thirty-five years, or Joe Louis for slugging his way to the top, or Shakespeare, on the evidence of the Sonnets, for feeling fine to be the best poet around, or Hirohito for assuming the throne that was his by right of birth and social consent?

What goads me to say such obvious things? Reaction to those who, appalled by the lie of the American dream and fuddled by the lie of egalitarianism and also enraged by the tedious imperfections of parliamentary reform, proclaim that fear and domination are evils which can be extirpated by altering the social order: *Liberty Equality Fraternity, NOW!* No. Fear and domination are givens. To suppress them is to make them evil indeed, and one of the highest benefits of government is to put them to good use. If my fear goes unaccommodated, will it not pollute my love? If my drive to excel, rise, dominate, is not harnessed and made responsible but is rather contemned, outlawed, and even denied, what is to prevent it from turning me into a cringing bully?

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I am sure it is not admirable to be the way I am in these respects, but I am just as sure that it has very little to do with my nationality, religion, or race. This way I am is probably pretty much the way you are whoever you are, and society had better incorporate our tendencies somehow or other, for its good and ours.

* * *

Let me take you for a few paragraphs into the labyrinth in which I cannot help enreasoning myself from time to time. I promise to keep the pressure down as well as I can and the sentences straight, and to get you out before the end of this essay. I do not think I alone am lost in there; I keep sensing the presence of others, though I haven't actually met anyone else in there yet.

To begin with, I take it as given that scientism is the active faith of most men today. One bald instance. President Nixon is both a professing Christian and a true believer in 100 per cent Americanism; yet his memorable comment on the first moon-landing was a tribute to science: "this is the greatest week in the history of the world since the Creation." His overlooking the Crucifixion only emphasizes the sincerity of his gratitude to science for its visible gifts. The hidden emotional logic goes something like: "Science may not have created the world as God did, but it gives mankind the power to rearrange things better, which is more than *He* did for us—at least in this life, which is the one we know we have."

I have an almost Manichean ambivalence about science.

It seems to me that the most marvelous work of man is pure science—revealing The Truth by observing and symbolically explaining how things move and are related. Any pettiness of motive that may be involved in leading a man toward The Truth is absolved by his attaining it, and however painful the consequences of knowing The Truth we must not flinch from them. But there is no need for me to recite here the litany of praise for science; everyone knows it.

But it seems to me that the applications of science have often been dubious and by now are far more harmful than beneficial. Overpopulation, from medicine and hygiene; totalitarianism, impossible without electronic communications; pollution of the environment and of our own bodies; electronic mind control; overkill. But everyone knows the anti-litany too. (I have only one contribution to make to it, a quirk of my own. I think that television as a social force is utterly pernicious: it has become as essential as the press to our politics; yet everything it transmits is transformed into numb entertainment. What we surely most need is a change of heart, but television subverts the very possibility. It is a toss-up which was the better show, the first moon-landing or the Kennedy-Oswald

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weekend. If the Crucifixion had been televised, Paul would not have converted the world but billygrahamed it.)

Einstein seems to me a figure of Sophoclean grandeur. Purely seeking to understand the pre-established harmony of things, Spinoza-like, he had such thoughts as are the admiration of everyone who values truth and can think at all, and the energy those thoughts released in the world is the amazement of mankind. Yet when he offered to President Roosevelt his knowledge that an atomic bomb could probably be constructed, he released into the social world evils far more pervasive than those released by that mad despot who exterminated peoples and to defeat whom was Einstein's motive for offering his knowledge. Because Einstein thought more beautifully than anyone else of the era, all men are and will forever be subject to a strange anxiety which no previous men could have suffered since science and technology fabricated it. In his old age he said that, if he had it to do over again, he'd have been a plumber.

Where is the fault?

The governors and generals are blamed, and are blameworthy, for using cruelly the weapons science and technology have given them. But it seems to me the scientists, including the technologists, are at least as much to blame, first for having constructed those weapons and then for having given them over. Scientists collectively are more intelligent than power-men; they are trained to make decisions dispassionately; they devote their lives to the truth; because knowledge converts into power so readily, they have laid upon themselves the obligation to be wise. (This does not ignore but is over and above any plain ambitiousness that may also drive them individually.) Everyone can see, in history and in the world about us, what sort of men want to, and do, get power as rulers and soldiers. How did thinking men dare give power-men limitless means of destruction? Only a bigoted faith could have sanctioned such evil.

It seems to me that intellectuals raged almost pathologically against President Johnson for the Vietnam War, partly as a way to keep from facing the responsibility of their faith (science) for the atrocities of modern warfare; it was, for example, not a capitalist or a politician but *one of ours*, an honored and conscience-clear professor at Harvard, who invented napalm. Science authorizes intellectuals to question everything except the power of reason itself. But their emotions tell them when they look at modern war: *This that science has done is dreadful.* They do not recognize the authority of emotion, and they have doubted all moral foundations to bits. So, in order not to doubt science away too, they blame this or that ruler for even more than he is guilty of, or they blame this or that government, or, at the extreme, they blame government as such. And intellectuals as a class are far more important than their members: they counsel the great and teach the young.

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There have been societies which have severely limited the spread of destructive knowledge. The Byzantines had Greek fire which gave them an enormous military advantage against all enemies, and, though they were ruled by cruel, subtle men, they guarded the secret of this weapon so jealously that they kept it not only from their enemies but also from themselves: it is believed that no one man knew how to compound Greek fire. Perhaps several brought the components together, each ignorant of what the others knew, to be mixed by a man who knew proportions but not what he was mixing. In such a society, it would cost a man his head to invent napalm.

The fault, as I see it, is limitlessness, not stopping in time. When reason was granted the godlike privilege of asking any question and publishing every answer, then science became possible (and industrialism, and the Enlightenment, and the suicide of Man). Religion and ethics both had always counseled obedience to law; for it is obviously in man's nature to rebel against restrictions. Then why was reason exempted, allowed to go too far?

It seems to me that reason was permitted—or wrested permission—to proceed limitlessly because of the very nature of it, us, the world. It provided men with incomparably the best safeguards against the material dangers of the world and much the best remedies for the anxieties of superstition and ignorance. It increased men's strength in nearly all ways. Gradually they learned to trust it. "Well," said reason, "clearly we cannot know everything, so why don't we try to know as much as we can? God's will is mysterious, but the more we know of it the better we can praise Him." This seemed irreproachable. So far from denying limit, reason was seeking to establish it. But what you can prove rationally you do not *believe in,* as I do not *believe in* this pen in my hand. The rational proof of the existence of God began His de-substancing, and by The Enlightenment he was either everywhere or nowhere—small matter which, if he wasn't *there*—and Reason was strong as a giant. "Come on, let's look for new limits, in nature and in man." In other words, science, and men like gods. And in our as yet unnamed, post-Modernist world, Nature and Man are attenuating as the Jewish-Christian God has already done.

Now that it is perhaps too late to do much about it, we can see that reason should have been limited by the emotions. *To know more of the truth than you can feel is death to the spirit.* But how could that have been known ahead of time? How can you tell the limit to what you can feeling-know until you have gone beyond it?

Without roots secured in the irrational, no sanity is possible. We must have such roots even though they can also feed great madnesses, for the greatest irrationality of all is to purify reason and then turn it loose on the emotions or them loose on it.

Because our intellects made it possible for us to cause The End,

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we no longer just fear it, as men have always done; we now can desire The End too. (Men always desire to do what they know they can do.) But this mind-made desire, this actualized fantasy, can hardly be admitted in full sanity. Both that inadmissible desire and guilt because of it add to the anxiety pervading mankind.

One way to deal with anxiety is to elude it. This as much as anything else I can think of—boredom, breakdown of sanctions, curiosity—accounts for the popularity of drug-taking among the young. It also helps account for their vagueness, their indifference to making arrangements for the future.

Men aggressive enough to become rulers cannot restrain themselves from employing the available weapons, unless faith makes them. Science is our faith, and whatever moderation scientists as moralists and as citizens may counsel, science in its example authorizes limitlessness. The president of MIT put it neatly: "The solution to science is more science."

Moreover, science in its example authorizes limitless egalitarianism: to pure science, every fact is exactly as important as every other fact, no question should be suppressed, no problem unsolved, no answer withheld.

We are so made that to use our highest faculty as well as we can is to destroy ourselves. . . .

What can I do about this labyrinth except to not-think about it? But I live in the world. I can't not-think about it for long at a time. Even if I were a savage in a stone-age jungle in darkest New Guinea, the anthropologists and engineers and doctors are advancing all over me ready or not.

* * *

Perhaps there is some saving idea waiting to be thought. I do not have mind enough to think it first, but enough to think it if someone else explains it to me. Perhaps there is no such idea, but I hope there is something somewhere, for I need to change.

Meanwhile, just as I read and trust the *New York Times* more than any other newspaper, dull as it is, hidebound in its liberalism, so when I *have* to do something politically I continue to turn to representative democracy. So far as I can tell, it is the best of its kind available, though I am dead certain it is not enough.

But if things get much worse, if the pressures get much greater, I will be tempted by revolution instead. It would be *instead* too, for I do not really believe that any revolution could do now what needs to be done. Even as romantic love, so exciting, so all-absorbing, so unconditional, can seem to a married person the cure to the strains of marriage but does not cure them, so revolution with many of us now: *a new start*. No. Yet I might yield to it. For, oh, it would feel

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very good not to have timorous, self-serving, envious, sort of decent men to put up with, but to have devils to kill and then to kill some of them. I might do it though I know ahead of time that, if I survived even halfway sane, I would be full of inexpiable remorse for my self-indulgence, my infidelity. Yet, there is so much *as if* to civility: *as if* men were decent, *as if* we were not suicidal, *as if* the social order were going to last. It would be wonderful to feel absolutely convinced that *this is what must be done,* as a citizen who is trying to hold things together never does but as a man with a gun in his hand can. I imagine that, if I were holding a rifle aimed at some only-rational counselor, some modern Machiavelli, that corrupter of power, *I would know what to do,* and do it, and be wrong.

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Policy vs. program in the '70's

DANIEL P. MOYNIHAN

ONE of the anomalies of the 1960's is that a period of such extraordinary effort at social improvement should have concluded in a miasma, some would say a maelstrom, of social dissatisfaction.

What went wrong?

Well, countless things went wrong. But I believe one of the more important things is that the structure of American government, and the pragmatic tradition of American politics, too much defined public policy in forms of *program,* and in consequence has inhibited the development of true *policy.* In simpler times a simple programmatic approach was an efficient way to go about the public business. The problem comes with complexity. More specifically, the problem comes when society becomes ambitious and begins to seek to bring about significant changes in the operation of complex systems such as the society itself. There is nothing the least wrong with such ambitions. What is wrong is a pattern in which the ambitions are repeatedly proclaimed, and just as repeatedly frustrated—especially when the source of the frustration lies not in the malfeasance of individuals but in the limitations of the *program* approach to issues which demand the disciplined formulations and elaborations of public *policy.*

These are terms that rightly call for definitions. Here I think the temptation is to be too clever. As increasingly we perceive and

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begin to understand the social system as just that, a system, it is possible, and for many purposes necessary, to be meticulous about classifying various forms of system intervention. But, my rough purpose is more readily served by a simple distinction. Programs relate to a single part of the system; policy seeks to respond to the system in its entirety.

The idea of policy is not new. We have for long been accustomed to the idea of foreign policy, including defense policy. Since 1946 Congress has mandated an employment and income policy more or less explicitly based on a "general theory" of the endlessly intricate interconnections of such matters. Yet our ways of behavior resist this: only great crises, great dangers seem to evoke the effort. Or have seemed able to do so in the past. I believe, however, that a learning process of sorts has been going on. Increasingly the idea of system-wide policies commends itself to persons of responsibility in public affairs as an approach both desirable and necessary. We can expect it to be one of the formative ideas of the 1970's.

Constituencies and masters

As in most times, it is the style, the approach of the incumbent administration that has most to do with such matters. The first official act of President Nixon, taken his third day in office, was to establish the Urban Affairs Council, a cabinet level body. The first task assigned the council was to "advise and assist" the President in the formulation of a National Urban Policy. This was something new. It had not been done before; no one was certain it could be done. No one is as yet certain it can be done successfully. Certainly there did not exist anything like Keynes' General Theory which guided our development of national policy on employment and income. Nor were there any Admiral Mahans or George Kennans to provide a master theory of an urban policy comparable to previous formulations of foreign and defense policy. Even so, the process went forward with fair dispatch, so that for anyone caring to know the general outlines of the urban policy of the present administration there is at least a document. Not a definitive one, nor even perhaps a comprehensive one; but an existing one. (I do not infer that this urban policy has had any great consequence. It has not. Only a small element in either the political or career bureaucracy of the federal government has grasped the policy concept, and where it has been understood it has on the whole been opposed. It will be years—if ever—before the Presidential initiative will have any real consequence. Changing the federal system is immensely difficult. Thus, the PPBS system [Planning—Programming—Budgeting System] was introduced in the mid-1960's with great energy and visibility, and strong Presidential support. By the end of the decade it

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had all but disappeared as an element in decision-making, at least at the higher levels of government. For purpose of provoking a discussion, I would be prepared to assert that the McNamara colonization of the domestic departments of the federal government with the system of benefit-cost analysis developed in the Pentagon failed. A primary source of failure was the lack of talent to carry out the analyses involved. Other sources were the resistance of the program bureaucracies, and probably also the insensitivity of PPBS analysis to the actual complexities of social interventions, a point argued in this paper.)

It is not my purpose here to discuss urban policy, but rather to suggest some of the principles which distinguish policy formulation from program formulation. The rules of the latter are, I should think, fairly well laid out in the descriptive political science of our time. The defining characteristic of a program is that it is directed to a specific situation with the purpose of maintaining or changing that situation in some desired fashion. We have programs to build roads, subsidize the growing of cotton, cure cancer, retrain the unemployed. To be sure there are programs that are quite general in their outlook; but here, with respect to the federal government and indeed to all levels and forms of government within the United States with which I am familiar, any tendency toward universality is immediately constricted by the structure of government. Doubtless there are even programs that would wish to evolve into policies, but reality is quickly enough imposed on them by the fact that one bureau in one department is responsible for performing the function involved; one branch of one division in the Bureau of the Budget handles the appropriation request; one super-specific subcommittee of one special committee of the Congress handles the substantive legislation, and an equivalent subcommittee handles the provision of funds. These are the constituencies of the program, and also its masters. It is a wise program that knows its place, and does not aspire beyond its station.

It would be foolish to be disdainful of such enterprises. Burke's dictum that the law sharpens the mind by narrowing it may be usefully applied to the program approach to social problems. Social commitments are not easy to sustain, certainly not over the long span of time which most social problems require. The program approach is designed to enhance the capacity of the enterprise to survive by narrowing its range of activity and intensifying the support for it. Come hell or high water, come Republicans, Democrats, or Free Silverites, the Bureau of Disabled Appalachian Urban Agronomists gets its appropriation and does next year the job it did last year. A quality, I repeat, not to be disdained.

But for all the plain-as-stick practicality about such arrangements, in the end they are self-defeating. They are in their way "realistic,"

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but they do not adequately reflect a large enough part of reality. In fact, they will usually end by distorting reality. This is the essence of the problem.

By contrast, a policy approach to government does at least begin by seeking to encompass the largest possible range of phenomena and concerns. This has its dangers, its difficulties. But I shall argue that increasingly there is no respectable alternative. Knowing what we do about the nature of society and of social interventions, we have no option but to seek to deal in terms of the entire society, and all the consequences of intervention. One might wish for a simpler time when such knowledge was not available, but the loss of innocence is an old experience to mankind, and not perhaps to be avoided. Certainly not to be reversed.

The assumptions of a policy approach

Let me then propose three propositions—I shall call them master propositions—that relate to a concept of government by policy as distinguished from government by program.

First is the familiar proposition that everything relates to everything. This is the fact that defines a system. Taken too literally it can be a bit traumatizing, but fortunately some things relate more than others. And it usually is possible to identify those components that in fact have the greatest influence.

The second master proposition is that from the fact that everything relates to everything it follows that there are no social interests about which the national government does not have some policy or other, simply by virtue of the indirect influences of programs nominally directed to other areas. These are *the hidden policies* of government.

This is not such a familiar proposition. The interconnections of programs directed to one area with outcomes in another are sometimes seen. Most of us have by now got it fairly straight that, for example, agricultural research can lead to the migration of farm populations, which has consequences for cities. But by and large these connections need to be pretty evident for much note to be taken of them, and ability to detect them is much influenced by intellectual and political fashion. It is fashion that dictates that some activities are interesting; others not. And if a subject is not interesting, it can have consequences all over the place of which no one is likely to take much heed.

Permit me an example. One of the received truths of contemporary liberal history is that no domestic initiatives of any consequence occurred during the Eisenhower Presidency. I will not contest the general point that was a period of relatively "low governmental profile," as the phrase now goes, following twenty years

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of the alarums and exertions of the New Deal and Fair Deal. Even so, there was one program of truly transcendent, continental consequence. This was a program which the twenty-first century will almost certainly judge to have had more influence on the shape and development of American cities, the distribution of population within metropolitan areas and across the nation as a whole, the location of industry and various kinds of employment opportunities (and, through all these, immense influence on race relations and the welfare of black Americans) than any initiative of the middle third of the twentieth century. This was, of course, the Interstate and Defense Highway System. It has been, it is, the largest public works program in history. Activities such as urban renewal, public housing, community development, and the like are reduced to mere digressions when compared to the extraordinary impact of the highway program.

Once approved and begun, one would imagine it would have become the object of extraordinary interest, comment, and critique. If nothing of the sort occurred, the explanation would seem evident. Highways have never been a subject of any very great interest among persons given to writing or speculating about government. Certainly they have rarely been associated with social welfare issues, save in the early days of "getting the farmer out of the mud." Further, the politics of getting the Interstate Highway program enacted decreed, or at least indicated, the narrowest possible definition of its purpose and impact. This was altogether agreeable to the Bureau of Public Roads, the slightly obscure organization established in the 1930's as a unit of the Department of Agriculture and shifted by degrees to the shadowy recesses of the Department of Commerce. The permanent staff of the Bureau of Public Roads had neither the inclination nor training to assert that they were doing anything more than obeying the narrow terms of their project descriptions. As bureaucrats, their instinct was faultless. Had anyone realized what they were in fact doing, the sheer magnitude of the interests they were affecting, it is nigh impossible to imagine that they would have won acceptance. Indeed a bare fifteen years after the Interstate program commenced, it is just about impossible to get a major highway program approved in most large American cities. But it is too late: most systems have already been built. In the process—such at least would be my view—quite appalling mistakes were made, but they were mistakes having to do with issues nominally altogether unrelated to the highway program itself, and so no one was responsible for them.

Surely it is possible to hope for something more. Government must seek out its hidden policies, raising them to a level of consciousness and acceptance—or rejection—and acknowledge the extraordinary range of contradictions that are typically encountered.

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(To the frequent question "Why don't government programs work?" it is often a truthful answer that they do work. It is just that so frequently the effect of a "hidden" program cancels out the avowed one.) Surely also it is possible to hope for a career civil service that is not only encouraged but required to see their activities in the largest possible scope. There are few things that ought more to annoy us than the misuse we make of such splendidly competent organizations as the Bureau of Public Roads. It is fully capable of the most complex calculations of the effects of its programs (and increasingly does just that) but for many a long decade the word from the political world on high was to stick to building roads and to see that not too much sand was used in the concrete.

The third master proposition is clearly the least familiar of all; the one least likely of acceptance. It is not a matter that can be confidently demonstrated, or so at least would be my impression. It is rather the best available explanation for recurrent phenomena which increasingly demand explanation. I refer to what Jay Forrester has termed the "counter-intuitive" nature of social problems. We learn to think, Forrester assures us, in simple loop systems. But social problems arise out of complex systems. The two are not alike, or so it is asserted by men who ought to know. They have fundamentally different properties, such that good common sense judgment about the one will lead with fair predictability to illusions about the other. Thus Forrester: "With a high degree of confidence we can say that the intuitive solution to the problems of complex social systems will be wrong most of the time."

Grasping complex systems

Whatever the absolute nature of a proposition such as that, one surely can agree with Forrester that social systems have internal regulatory mechanisms that are, in effect, incentives (or disincentives) to behave in various ways. Just as surely, changing those incentives is an extraordinarily complex job. Surely also, too many programs of social intervention in the 1960's went about this extraordinarily complex task in a fairly simpleminded manner, usually just adding a few counter-incentives to the prevailing incentive system. Stated perhaps too simply: the federal government has typically entered a situation in which most actors manifestly had strong incentives to act in ways which were not thought good for the larger society, or for the individuals involved, or both; incentives were offered to reverse the undesired behavior; but too commonly these incentives proved weak and ineffective when compared to the original set.

We should be clear, I think, that if this third proposition proves to be unavoidably the case, there are contained within it rather serious

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implications for the democratic direction of society. It is the old—or new—question of the expert again. I have gone on record as having a certain suspicion of intellectuals myself, and I think we all should, whatever the shape of our heads. Still, we have grown accustomed to depending on experts in science, and have developed reasonably appropriate ways of translating scientific and technological knowledge into forms of public action by statemen. The problem arises with regard to social knowledge because, while most everyone will accept that he or she doesn't know much about implosion, everyone thinks he knows a lot about what makes a good school. And now men of unquestioned competence and good will are coming along with the information that what everyone knows about schools is almost precisely what is *not* the case. What do we do about that? What confidence are the people to have in their own judgment if such events multiply, as almost certainly they will?

I believe there is an answer to this. We must develop a new journalism, and political leadership, capable of handling information and of translating it into valid terms of public debate. But this will not be easy. I cannot imagine it happening inside a generation.

In the meantime, the one thing most likely to help us through the period of transition is the practice of thinking in terms of policy rather than of program. The policy-frame-of-mind may not grasp all the interrelations and surprises implicit in social problems, but it does at least start out with the expectation that there are such, and so is not only more on the alert for signals of such problems, but also is least resistant, least unbelieving in the face of the evidence. That is no small thing.

Neither is it any small thing that we should begin to try to take this large view of events. If there is a tendency in our land, as in any, to complacency about many of the conditions of our lives, there is also, I would submit, an almost equal and very nearly opposite tendency to alarm. If man is a problem solving animal, *homus Americanus* is also a problem-discovering one. The fact is that in our eagerness to draw attention to problems, we do frequently tend to make them seem worse than they are. In particular we tend to depict things as worsening when in fact they are improving.

This tendency arises from any number of sources. Three at least come to mind. There is surely a Protestant tendency to be dissatisfied with what might be called normal human behavior. On top of this we have of late had to learn to live with the burden of affluence. (Robert Nisbet frequently reminds us that boredom is the most underrated force in history. Heaven protect the land whose privileged classes get bored with their privileges, as clearly ours has done!) And there is also the tyranny of fashion: a mysterious force, but an open enough one. Fashions of thought get set, and for a

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period at least they prevail. Evidence to the contrary is treated not as information but as wrongdoing, and woe betide the bearer of such news. The more, then, should we welcome a policy approach to social issues, simply because it insists on setting all specifics in a general context.

The trend of race relations

An example of surpassing importance—or so it would seem to me —concerns the state of race relations in the United States at this moment. Are things getting better as most of us would define that term—namely, are we moving away from a past of racism and caste exclusion—or are they getting worse? I would believe it fair to say that the fashion of late has been to believe things are getting worse, and I can attest that it is costly to argue otherwise. And yet the data, such as they are, argue that indeed things are *not* getting worse. To the contrary, the Newsletter of the University of Michigan Institute of Social Research recently summarized the findings to this effect by Angus Campbell and others of the University's Survey Research Center, which we would all, I think, acknowledge as one of the four or five leading institutions of its type in the world.

> The white backlash and the deterioration of white and black attitudes toward integration which have been noted by many social observers do not show up in the findings of a recent Survey Research Center nationwide survey.
>
> "There is evidence that, in some respects, blacks and whites are in closer contact and more friendly contact than they had been for years earlier." Angus Campbell, director of SRC, reports.
>
> The SRC data, gathered during the 1964 and 1968 election studies represented possibly the only carefully designed academic study of national attitudes before and after the 1967 riots. They stand in marked contrast to the conclusion drawn by the Kerner Commission appointed by President Lyndon Johnson to study the riots. The Commission reported in March of 1968 that, "Our nation is moving toward two societies, one black, one white—separate and unequal."
>
> In comparing racial attitudes over the four-year period, the SRC survey notes that whites favoring desegregation in 1968 outnumbered strict segregationists by a ratio of nearly two to one (31 and 16 per cent respectively). Four years earlier whites had been about evenly divided on the question of desegregation or strict segregation (27 to 24 per cent).
>
> Although the doctrine of black separatism has been increasingly voiced by some members of the black community, it still has only minority support; and there has been little change in black attitudes toward desegregation over the four-year period. For example, in 1964 some 72 per cent of the blacks questioned said they were in favor of desegregation (with only 6 per cent favoring strict segregation) and four years

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later 75 per cent were favoring desegregation (with only 3 per cent for strict segregation).

Campbell indicates that not only were the attitudes toward desegregation more positive, actual contact between the races seem to have increased. Whites and blacks were less likely in 1968 than in 1964 to say their neighborhoods or their schools were completely segregated. And whites were less likely to work and shop in all-white areas.

The per cent of whites who said they live in all-white neighborhoods dropped from 80 to 75 per cent, while the number of blacks living in all-black neighborhoods went from 33 per cent to 25 per cent.

In 1964, 43 per cent of whites reported that the high school nearest them was all white.

That figure had dropped to 27 per cent by 1968. Similarly, blacks reported their nearest high school as all black dropped from 36 per cent to 21 per cent over the four years.

Whites who reported working in an all-white environment totaled 54 per cent in 1964, but that number had dropped to 42 per cent by 1968.

One might account for the reported increases in contact between the races on the grounds that they don't represent real shifts in neighborhood and school population—just more awareness of each other's presence. The increase in publicity surrounding racial issues might have changed people's perception.

Campbell doesn't think so: "People now are more sensitive than they were four years ago but it's highly unlikely that the figures represent purely imaginary increased contact."

Poverty and policy

Similarly, a policy approach to government has profound consequences on the kinds of programs which are supported and pursued. I would suggest to you that this has been the case with respect to the problem of poverty and racial isolation in the nation. During the 1960's a quiet extraordinary commitment was made by the national government to put an end to poverty. Yet the effort to do so went forward in entirely too fragmented a manner. In effect, a collection of programs was put together and it was hoped these would somehow add up to a policy. I don't believe they did. Nor do I believe there was any way we were likely to have found this out save by the route we did in fact follow. But after a point this became evident enough, and it became possible for the government to respond in terms of large-scale policy, and to fit programs to that policy.

The two basic networks of a modern society are the family structure and the occupational structure. A stable society attends to each. The preeminent arbiter of family stability is income. If social science has taught us anything, it is that. Income typically derives from employment, but also typically there are individuals and on occasion groups in the society whose income is not sufficient either

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because employment is spasmodic, or their skills insufficient to earn an adequate wage. Whatever the case, an effective war on poverty requires a strategy that deals first of all with problems of jobs and income. Once that became clear, it was relatively easy for the national government to develop programs in response.

Let me offer you an almost absurdly simple example. The federal government has had since 1965 a formal policy of abolishing poverty. The Office of Economic Opportunity was established with that purpose in mind. But until this year almost a third of the expenditures of OEO were provided, in effect, by income taxes collected from the poor! Since it has been in the nature of the "services strategy" so much in evidence in early OEO programs to hire middle-class persons to be of assistance to poor persons, the actual *income transfer effect* of many of these OEO programs was to take money from farm laborers and give it to college graduates. No one intended it that way, but that was the unintended consequence of programs being operated in the absence of policy. Almost the first measure President Nixon proposed in this area upon taking office was to abolish income taxes for the poor, and this was done with the completely willing cooperation of the Congress once the absurdity of the previous arrangement was pointed out.

In a similar vein is the Family Assistance Plan which has, properly I would think, been termed the most important piece of domestic legislation to come before the Congress in four decades. The principle of the program is simple and it derives from policy. Families must have an adequate income, and this should be provided them with a minimum effect on their status as stable, self-determining units in society, and with maximum incentive to earn by their own efforts as much a proportion of their needed income as they possibly can. The President has accordingly proposed to place a floor under the income of every American family with children, to provide within that context a specific incentive to work, specific opportunities for work training and placement, and the absolutely crucial provision that this assistance will not be conditioned on dependency. A family does not have to be down and out, busted and broken to get help, when often as not all that was needed at a particular moment was a relatively small bit of help at the margin.

Defining success

Will FAP succeed? None of us could say right now. But there is one essential aspect to such a question—a question directed to a program that derives from a policy. Namely, that the question can be answered. Family assistance will have succeeded if, over the course of the 1970's, the steadily rising number of dependent families in the nation begins to level off and then to turn down,

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both in terms of actual numbers and over-all proportions. It is as simple as that to define success for a policy. Yet such definition is the one thing that often defies all effort when applied to programs.

This is the final point I would make about the concept of national policy with respect to social programs. It is a concept most explicitly outlined in the President's recent message to the Congress on Elementary and Secondary Education. *The test of a program, when this program is part of a policy, is not input but output.* It is interesting, and at times important, to know how much money is spent on schools in a particular neighborhood or city. But the crucial question is how much do the children learn. Programs are for people, not for bureaucracies. This is the final, as I say, and probably also the most important lesson of the policy approach to governme

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The distribution of income in New York City

BLANCHE BERNSTEIN

CURRENT attention to our urban crisis has greatly intensified an already existing interest in data on income distribution for individual cities. The data are significant for a great variety of purposes—estimates of demand for various products, for housing at various prices or rentals, and for many municipal services including welfare, medicaid, hospital and clinic services. Furthermore, the data are the best general indicators available of the economic progress the city's inhabitants are making and of how various groups in the city are sharing in this progress.

In the case of New York City, consideration of the trends in the distribution of family income requires some knowledge of the changes which have occurred in the composition of the population of the city in terms of family size and ethnic group during the 1960's.

While the total population has remained fairly constant at just under 8 million, the number of family units has increased by about 42,000, the major increase occurring in the number of two-person families and the largest decrease among four-person families, as the tabulation below indicates.

The change in the size composition of New York's families is in accord with what is generally known, or assumed, about in- and out-migration patterns. White, as well as some black families, with two or three children, tend to migrate to the suburbs. Young and aged couples remain and indeed some middle-aged couples return when the children grow up. On the other hand, the in-migration of blacks and Puerto Ricans, as well as a higher rate of natural increase among these groups, is reflected in some increase in the proportion of larger families of six or more persons (from 7.9 to 8.3 per cent). The average size of family has not changed and remains at 3.3 persons per family. Thus, in considering the trends in family income distribution between 1959 and 1968, no allowance needs to be made for changes in the average size family in New York.

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*Percentage Distribution of Families by Size, 1960 and 1968**

No. Persons	Per Cent Distribution 1960	1968
2	37.4	41.2
3	24.3	23.2
4	20.3	17.9
5	10.0	9.4
6 or more	7.9	8.3
Total	100.0	100.0
Number of Families	2,079,832	2,121,370

* 1960 data from *Families in New York City, Social and Economic Characteristics,* (a compilation of data from the 1960 Census) The Community Council of Greater New York, Table 11; 1968 data from special tabulations obtained from United States Department of Commerce, Bureau of the Census.

The ethnic composition of the city has, of course, changed markedly during the last two decades. Between 1950 and 1966, the change is estimated as follows:

*Ethnic Distribution of Families**

	1950	1960	1966
White	87.3	80.9	74.1
Nonwhite	9.6	12.4	17.0
Puerto Rican	3.1	6.7	8.9
Total	100.0	100.0	100.0

* Figures for 1966 are from the *Population Health Survey, Estimates of Population Characteristics of New York City, 1964-1966,* by Leonard Kogan and M. J. Wantman. The data for 1950 and 1960 based on the Census from Community Council of Greater New York.

The total population remained relatively stable, declining slightly from 7.9 million in 1950 to 7.8 million in 1960 and rising again to just under 8 million in 1968. The reduction in the number of white families and the increase in the number of blacks and Puerto Ricans would be expected, in the light of relative levels of education, training, and opportunity, to shift the income distribution toward the lower levels.

We can now turn to the data and see what did happen. Table I presents the income distribution of families of two or more persons in New York City for 1949, 1959, and 1968 (in constant 1968 dollars). The first thing to note is the very large decline in the proportion of families with incomes of less than $4,000 between 1949 and 1959—from 31.2 to 18.1 per cent—followed by relative stability between 1959 and 1968. The decline in the proportion below $4,000 that occurred during the 1950's is particularly striking because this was a period of heavy in-migration from the south and from Puerto Rico; the black population in the city rose by 27 per cent and the Puerto

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Rican population more than doubled. The pattern in the 1960's was somewhat different; black and Puerto Rican population rose by about 40 and 37 per cent, respectively, and combined to constitute 26 per cent of the total population compared with 19.1 per cent in 1960; the proportion with incomes under $4,000 remained stable.[1]

TABLE 1. *Income Distribution of Families in New York City (in constant 1968 dollars)**

INCOME CLASS	1949	1959	1968
Under 1,000	6.3	2.8	1.6
1,000- 1,999	5.7	3.2	3.2
2,000- 2,999	7.6	4.5	6.0
3,000- 3,999	11.6	7.6	6.4
(Under 3,999)	(31.2)	(18.1)	(17.2)
4,000- 4,999	14.8	7.4	7.4
5,000- 5,999	12.3	9.2	7.9
6,000- 6,999	12.0	10.3	7.4
(4,000- 6,999)	(39.1)	(26.9)	(22.7)
7,000- 9,999	16.3	26.0	21.0
10,000-14,999	13.4	20.0	23.9
15,000 and over		9.0	15.1
Total	100.0	100.0	100.0
Median Income	$5,325	$7,575	$8,289

* Sources: 1949 from 1950 Census "Characteristics of the Population," Vol. II, pt. 32, New York, Table 37.
1959 from 1960 Census "Characteristics of the Population," Vol. I, pt. 34, New York.
1968 a special tabulation from the March 1969 *Current Population Survey* of the United States Department of Commerce, Bureau of the Census, for the Center for New York City Affairs.

In sharp contrast to the decline at the lower end of the scale is the development at the upper end of the income scale; the proportion of families with incomes of $10,000 or more rose sharply from 13.4 to 29 per cent between 1949-59 and again rose markedly to 39 per cent by 1968, with the main increase in the $15,000 and over group. Thus with stability at the lower-income levels between 1959 and 1968 and a sharp rise in the proportion at $10,000 or more, the relative numbers in the middle-income brackets—the $4-$7,000 and $7,-$10,000 groups—declined from 26.9 to 22.7 per cent and from 26 to 21 per cent respectively.

Median income of families in New York rose most sharply between 1949 and 1959—from $5,325 to $7,575 in constant dollars, or by about 42 per cent—but it also made a substantial gain between 1959 and 1968, rising to $8,289, or by 9.4 per cent.

[1]Income data include welfare payments but do not include the value of surplus foods distributed or housing subsidies involved in public low-cost housing.

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But before we draw any conclusions from these trends, it is necessary to examine the data on income distribution by the major ethnic groups in the city. Regrettably, separate income data for the Puerto Rican group are not available for 1968, so that the analysis must be limited mainly to the white and nonwhite classification; most of the Puerto Ricans are here counted as white.

TABLE II shows the income distribution of white and nonwhite families in 1959 and 1968 in constant 1968 dollars. In general, the trends noted above for all families hold true for white families (including the Puerto Ricans). This is, of course, to be expected, because these two groups combined constitute about 83 per cent of all families in the city. Thus we see only a slight decrease in the proportion under $4,000 (and this could reflect sampling error), a significant decrease in the relative numbers in the middle-income categories, a large increase in the proportion of families with incomes of $10,000 or more (from 31.3 to 43.4 per cent of the total), and a particularly large rise in the number of families with incomes of $15,000 or better—from 10.3 to 17.3 per cent.

TABLE 2. *Income Distribution of Families in New York City by Ethnic Groups (in constant 1968 dollars)**

	WHITE		NONWHITE	
INCOME CLASS	1959	1968	1959	1968
Under 1,000	2.5	1.5	4.8	2.6
1,000- 1,999	3.4	2.6	6.0	6.9
2,000- 2,999	4.1	5.3	8.2	9.5
3,000- 3,999	5.6	5.3	12.2	11.6
(Under 3,999)	(15.6)	(14.7)	(31.2)	(30.6)
4,000- 4,999	7.3	6.6	13.5	11.0
5,000- 5,999	8.7	7.5	12.0	9.8
6,000- 6,999	10.4	7.1	11.3	8.7
(4,000- 6,999)	(26.4)	(21.2)	(36.8)	(29.5)
7,000- 9,999	26.5	20.7	19.8	22.6
10,000-14,999	21.2	26.1	10.2	12.7
15,000 and over	10.3	17.3	2.0	4.6
Total	100.0	100.0	100.0	100.0
Median Income	$7,906	$9,138	$5,441	$5,857

* Sources: 1959 from 1960 Census "Characteristics of the Population" Vol. I, New York, pt. 34.
1968 a special tabulation from the March 1969 *Current Population Survey* obtained from the United States Department of Commerce, Bureau of the Census, by Center for New York City Affairs.

Separate data are not available for the Puerto Rican group for 1968, but statistics are available for 1959, and a look at these may permit some better understanding of the changes between 1959 and 1968 of incomes of white families, excluding the Puerto Ricans. The

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Puerto Ricans were more heavily concentrated in the lower-income groups than were the whites.

	Puerto Rican Families	Other White Families
Less than $3,999	53.6	19.2
$4,000-6,999	34.0	35.6
$7,000-9,999	9.3	23.5
$10,000 or more	3.1	21.7
Total	100.0	100.0

The relative median incomes were $6,600 for whites and $3,811 for the Puerto Ricans (in 1959 dollars). For both groups combined, it was $6,365.

The median income of white families, including Puerto Ricans, rose from $7,906 to $9,138 in constant 1968 dollars, or by 15.6 per cent, a bigger jump than the increase for all families. Although the income distribution of Puerto Rican families undoubtedly improved to some degree during this period, it is safe to assume, on the basis of the 1959 data, that Puerto Ricans are still far more heavily concentrated in the lower income levels than are the remainder of the white group. Also, since in 1968 they constituted 11 per cent of total white families as compared with 7 per cent in 1959, the shape of their income distribution had more impact on the shape of the distribution of all white families in 1968 than in 1959. All of this is a rather tortuous way of saying that white families, excluding Puerto Ricans, did even better than the figures in Table II indicate.

With respect to the trends for the nonwhites, it is necessary to point out that the 1968 data are less reliable for this group than the data for either all families combined or for white families; the data base for the nonwhite group is substantially smaller. Thus, while Table II presents figures by $1,000 income classes up to $7,000 for the nonwhite as well as the white, the changes between 1959 and 1968 are not sufficiently large in all cases to escape the possibility that they are the result of sampling errors. Nevertheless, the data for the nonwhite families, when grouped into broader income categories, are sufficiently reliable to indicate trends.

The proportion of nonwhite families with incomes under $4,000 remained practically stationary between 1959 and 1968, while the relative number between $4-$7,000 dropped from 36.8 to 29.5 per cent. There appears to have been some increase in the $7-$10,000 category and a substantial increase in families with income of $10,000 and over. Furthermore, though the data indicate, as expected, a far smaller ratio of nonwhite families in the $15,000 and over group than white—4.6 as compared with 17.3 per cent in 1968—the proportion of Negro families with incomes of $15,000 and over more than doubled since 1959.

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Two disturbing facts may be noted:

First, in comparison with white families, the improvement among black families was *not* as marked. Median income of black families, in constant 1968 dollars, rose from $5,441 to $5,857, or by 7.6 per cent, whereas the median income of white families in the city rose by 15.6 per cent. Thus the gap widened in both absolute and relative terms; in 1968 the median black income was 64 per cent of the median white income, compared with 69 per cent in 1959. This change is in marked contrast to the trend in the nation as a whole, where the median income of nonwhite as a proportion of the median income of whites rose from 54 to 63 per cent between 1959 and 1968. (In part, however, this improvement reflected the continuing shift of blacks from the south to the north and west, or in other words to higher-wage areas.)

Second, one sees in these data evidence of polarization within the black group, with the proportion at the lowest levels remaining stable, decreasing in the lower-middle range, and increasing markedly only in the upper level of $10,000 or more.

Dr. Andrew Brimmer, a member of the Board of Governors of the Federal Reserve System, in a recent speech at the Founders' Day Convocation at Tuskegee Institute devoted his address to "The Deepening Schism." He stated that, during the 1960's, "Negroes as a group *did* make significant economic progress." He added, however, that "beneath these overall improvements, another—and disturbing—trend is also evident: within the Negro community, there appears to be a deepening schism between the able and the less able, between the well prepared and those with few skills. This deepening schism can be traced in a number of ways, including the substantial rise in the proportion of Negroes employable in professional and technical jobs—while the proportion in the low-skilled jobs edges upward; in the sizeable decline in unemployment—while the share of Negroes among the long-term unemployed rises; in the persistence of inequality of income distribution within the black community—while a trend toward greater equality is evident among white families; above all in the dramatic deterioration in the position of Negro families headed by a female."

It is perhaps this last factor mentioned by Dr. Brimmer which accounts for the lower rate of economic progress achieved by New York's black families compared with the trends in the country as a whole. Family break-up among blacks has apparently been far more common in New York than elsewhere. With four per cent of the total population in the country, New York City accounted for 63 per cent of the national increase between 1961-67 in the number of deserted wives obtaining welfare payment. Whatever the reason for family splitting—whether it is, in part, encouraged by the economic incentives provided by the welfare system, as I believe, or

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not—the fact remains that it constitutes an enormous drag on the possibilities and potentialities for economic progress among black and Puerto Rican families. Its impact on the shape of the income distribution of black families is clear from the fact that the median incomes of female-headed nonwhite families were less than half the level of male-headed nonwhite families in New York and was substantially lower than white female-headed families.[2] The breakup of black families appears to have substantially retarded the rapid rate of progress in escaping from the lower-income levels that was evident during the 1950's.

TABLE 3. *Income Distribution of Families in United States, Metropolitan Areas, and New York City, 1959 and 1968 (in constant 1968 dollars)**

	United States		Metropolitan Areas		New York City	
Income Class	1959	1968	1959	1968	1959	1968
Under 1,000	4.7	1.8	3.0	1.4	2.8	1.6
1,000- 1,999	5.6	3.4	4.2	2.4	3.2	3.2
2,000- 2,999	6.7	5.1	5.5	4.3	4.5	6.0
3,000- 3,999	7.5	6.1	6.3	5.0	7.6	6.4
(Under 3,999)	(24.5)	(16.4)	(19.0)	(13.1)	(18.1)	(17.2)
4,000- 4,999	8.3	6.0	7.7	5.2	7.4	7.4
5,000- 5,999	9.1	6.9	8.7	6.0	9.2	7.9
6,000- 6,999	10.4	7.6	10.6	7.1	10.3	7.4
(4,000- 6,999)	(27.8)	(20.5)	(27.0)	(18.3)	(26.9)	(22.7)
7,000- 9,999	23.7	23.4	26.0	22.1	26.0	21.0
10,000-14,999	17.8	25.0	20.4	27.6	20.0	23.9
15,000 and over	6.2	14.7	7.6	18.1	9.0	15.1
Total	100.0	100.0	100.0	100.0	100.0	100.0
Median Income	$6,778	$8,632	$7,462	$9,412	$7,575	$8,289

* Sources: 1959 (United States and Metropolitan Areas) from 1960 Census Characteristics of the Population," Vol. I, pt. 1, United States Summary.
1959 (New York City) from 1960 Census "Characteristics of Population," Vol. I, pt. 34.
1968 (United States and Metropolitan Areas) from United States Department of Commerce, Bureau of the Census, *Current Population Reports, Consumer Income*, Series P-60, No. 66, December 23, 1969.
1968 (New York City) from a special tabulation from the March, 1969 *Current Population Survey* obtained from the United States Department of Commerce, Bureau of the Census, by the Center of New York City Affairs.

A COMPARISON of how New York City fared in the 1960's in relation to the country as a whole and to all metropolitan areas reveals some interesting and surprising developments (Table III). In 1959, New York had a higher median family income, and a lower proportion of its families under $4,000, than the rest of the nation and was a little ahead of other metropolitan areas in this respect. In 1968, the reverse was true, and the shift is particularly marked in compari-

[2] *Families in New York City, Social and Economic Characteristics, op.cit.*

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son with other metropolitan areas. The median family income in metropolitan areas substantially outdistanced New York in 1968 ($9,412 and $8,289, respectively) and the proportion of families below $4,000 was less (13.1 compared to 17.2 per cent). At the upper end of the income scale, the relative position of New York also changed. In 1959, the proportion of its families with incomes of $10,000 or more was slightly larger than for metropolitan areas and substantially above the United States figure. By 1968, the figure of 39 per cent was barely equal to the United States and was noticeably below the 45.7 per cent for metropolitan areas.

Most persons living in New York City are members of families of two or more persons. The unrelated individual, however, is a significant part of the city's population. In 1968, of New York's total population of 7,964,200 about 964,000 were unrelated individuals (about one out of eight persons in the city). They include a wide variety of types—the aged widow or widower, the social misfits such as the alcoholics and narcotic addicts, the divorced (or separated) man or woman without children, those who never married, and the not yet married young adult beginning his working career.

TABLE 4. *Income Distribution of Unrelated Individuals in New York City (in constant 1968 dollars)**

INCOME CLASS	1949	1959	1968
Under 1,000	26.8	21.6	10.2
1,000- 1,999	21.2	15.3	24.0
2,000- 2,999	14.6	12.6	11.5
3,000- 3,999	13.9	11.2	11.6
4,000- 4,999	9.0	11.7	7.9
5,000- 5,999	6.0	7.6	7.3
6,000- 6,999	2.7	7.2	6.1
7,000- 9,999	3.2	7.8	12.6
10,000-14,999	2.6	3.1	5.7
15,000 and over		1.9	3.1
Total	100.0	100.0	100.0
Median Income	$2,138	$3,045	$3,370

* The sources are the same as they are for Table I.

As one would expect from the composition of this group, they are far more heavily concentrated in the lower-income levels than are families, and their median income is substantially less than half of family median income (Table IV). It is of course true that, on a per capita basis, they would appear to be better off; but high overhead costs for rent and other expenses may well wipe out this differential—except perhaps for the young, who share apartments and other expenses with their girl or boy friends.

The trends in the income distribution of unrelated individuals

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during the past two decades to some extent follow the pattern for families, but there are differences. A big improvement can be seen between 1949 and 1959, with median income, in constant 1968 dollars, rising from $2,138 to $3,045, or by 43 per cent, about the same as for families; this was followed by a further increase to $3,370 in 1968, or by 10.7 per cent, a smaller rise than families enjoyed.

TABLE 5. *Income Distribution of Unrelated Individuals in New York City Ethnic Groups (in constant 1968 dollars)**

	WHITE		NON-WHITE	
INCOME CLASS	1959	1968	1959	1968
Under 1,999	36.4	33.1	38.2	39.0
2,000-3,999	22.0	22.7	35.8	25.1
4,000-5,999	18.6	14.0	19.0	21.4
6,000-9,999	17.0	20.2	6.5	11.9
10,000 and over	6.0	10.0	.5	2.6
Total	100.0	100.0	100.0	100.0
Median Income	$3,143	$3,437	$2,652	$3,208

* Sources are the same as Table II.

We noted earlier that the gap between incomes of white and nonwhite families appears to have widened between 1959 and 1968. The reverse is true with respect to white and nonwhite unrelated individuals (Table V). Not as wide to start with, the gap narrowed as the median for nonwhite unrelated individuals, as a per cent of the median for white unrelated individuals, rose from 84.4 per cent in 1959 to 93.3 per cent in 1968. This is some further evidence that the deterioration in the position of black families in relation to white families may reflect increased rates of desertion and family-splitting rather than purely economic factors.

THE Summer, 1969 issue of *The Public Interest*, "Focus on New York," contained an article by David Gordon entitled, "Income and Welfare in New York City." Its principal purpose was to present some new estimates of income distribution for the years since the 1960 census and "to relate them to some of the issues of current importance in the city." He states "they have been developed through an ad hoc process not normally acceptable by academic or statistical standards," a statement with which I agree. He goes on to say "despite their unusual origins, however, the estimates can be presented with confidence, that they do not seriously distort reality," a statement with which I disagree.

A comparison of Gordon's estimates of family income distribution in New York with the data obtained from the Bureau of the Census sample of family households in New York is presented on page 110.

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	Gordon Estimate—January 1968		*Census Sample Data—1968*	
Income Class	White	Black & Puerto Rican	White*	Nonwhite
0 – 1,000	1.1	3.3	1.5	2.6
1 – 2,000	2.3	11.6	2.6	6.9
2 – 3,000	3.6	11.4	5.3	9.5
3 – 4,000	5.1	19.6	5.3	11.6
4 – 5,000	6.6	12.6	6.6	11.0
5 – 6,000	11.2	11.7	7.5	9.8
6 – 7,000	12.0	10.0	7.1	8.7
7 – 8,000	25.8	14.0	20.7	22.6
10 – 15,000	17.9	3.9	26.1	12.7
15,000 or more	14.4	2.9	17.3	44.6
Total	100.0	100.0	100.0	100.0
Median Income	$7,723	$1,405	$9,138	$5,857

*Including Puerto Rican population.

Perhaps the easiest way to evaluate Gordon's estimate is to consider what it implies about the trends in the distribution of white family incomes between 1959 and 1968. In constant dollars, his estimated median income of $7,723 for white families *excluding* Puerto Ricans in January 1968 is *below* the 1959 median of $7,906 for white families *including* Puerto Ricans, and is of course below the 1959 median of $8,039 for white families excluding Puerto Ricans. It strains one's credibility to be asked to believe that there was a deterioration in the economic position of white families in New York between 1959 and 1968, even though some middle class and affluent whites were moving to the suburbs. In view of the decline in unemployment in the city during these years, the increase in real earnings of factory workers,[3] and the increasing proportion of skilled and white collar jobs, the median income of $9,138 in 1968, derived from the census data, indicating an increase of 15.6 per cent over 1959, would seem to be a better reflection of the reality of the income distribution of white families in New York.

Perhaps more disturbing is Gordon's grossly underestimated black and Puerto Rican income distribution. The figures in the tabulation above (i.e., of Gordon's figures and the census sample data) do not permit a direct comparison, because his figures are for blacks and Puerto Ricans while the census data are for nonwhite, mainly blacks. In order to make a comparison of at least the median income which would be derived from the two sets of figures, I made three estimates of the median Puerto Rican family income in 1968 which could be derived from the census data:

1) Assuming that the median Puerto Rican income bore the same

[3]United States Department of Labor, Bureau of Labor Statistics, *Changing Patterns of Employment, Income and Living Standards in New York City*, April 30, 1968.

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relationship to the median for all white families as was the case in the 1959 census, the result is $5,425.

2) Assuming that the median Puerto Rican family income deteriorated in relation to white family median to the same degree as did the black median income, the result is $5,064.

3) Assuming that the median Puerto Rican family income bore the same relationship to the nonwhite family income in 1968 as it did in 1959, the result is $5,104.

Taking the lowest of these three figures and combining it with the median for nonwhite family income, then weighting for the relative numbers in the city's population, the result from the census sample is a median income in 1968 for black and Puerto Rican families of $5,598—compared with Gordon's estimate of $4,405.

To assist in making a judgment as to which estimate is right, let me present a further bit of information. According to the 1960 census data, the median black and Puerto Rican family income in 1959 was $4,217 in 1959 dollars and $5,136 in 1968 dollars.[4] Thus, if one is to accept the Gordon estimate of black and Puerto Rican family income distribution in January 1968, one has to believe that the median income of these families, in constant dollars *declined* between 1959 and 1968 by 14.3 per cent—in the face of increasing employment and declining unemployment among blacks and Puerto Ricans, and of increasing real wages for factory as well as service workers between 1959 and 1968. Furthermore, data obtained in the recent survey of the four major poverty areas in New York City by the Bureau of Labor Statistics—data on family incomes in the period July, 1968-June, 1969—indicate a median income for black families of $5,750 and for Puerto Rican families of $5,053. These are very close to the figures obtained or derived from the census sample for 1968, and are in my view more acceptable.

Perhaps Gordon's result is not so surprising in view of the fact that it is based on his *assumption* that black and Puerto Rican incomes did not rise as fast as prices and, therefore, that there was a net decrease in the real incomes of minority group populations between 1964 and 1968.[5] The only basis for this assumption is given as "the net poverty of in-migrants." He thus overlooks the implications of the large decline in the relative numbers with incomes below $4,000 between 1949 and 1959, a period of heavy in-migration of blacks and Puerto Ricans to New York City. Gordon compounds this error by posting a further substantial deterioration in black and Puerto Rican family income between Jan. and Nov. 1968—by assuming minority group incomes did not rise in proportion to prices.

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[4]Approximately the same figure is evident from Table 7, page 76 in Gordon's article, though his table is in 1967 prices.

[5]"Description of Methodology for Income Distribution Estimates, New York City, 1968" by David Gordon, unpublished.

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The Census data indicate that the median black and Puerto Rican family income, in constant dollars, rose from $5,136 in 1959 to $5,598 in 1968, or by 9.0 per cent. This is a depressingly modest increase in comparison with the rise in the median income of white families, excluding Puerto Ricans, of about 20 per cent. But, nevertheless, it is an increase.

In part, Gordon's estimate of family income distribution in New York stem from his own dubious assumptions; but in part, too, it stems from the data base from which he started, the Population Health Survey income distribution data for 1964.[6] Because median family income statistics, by ethnic group, have been published by the Population Health Survey for the three years 1964-6, it is possible to make some comparison of the PHS and the census estimates.

Median family income by ethnic groups from the census and the Population Health Survey are presented below:

Median Family Incomes in New York City by Ethnic Groups, Selected Years (in constant 1968 dollars)

	Census data 1959	Population 1964	Health 1965	Survey[1] 1966	Census Sample 1968
All families	*7,575*	*6,809*	*6,903*	*7,152*	*8,289*
White	8,039	7,540	7,788	8,169	9,623[2]
Nonwhite	5,441	5,432	5,189	5,087	5,857
Puerto Rican	4,642	4,384	4,428	4,224	5,064[2]

1 L. Kogan and M. Wantman, *op. cit.*, Table XII, p. 15.

2 Having estimated the Puerto Rican median family income as indicated on page 111, the white family median was calculated on the basis of the relative weights of the Puerto Ricans and of other whites in the total population of whites. It is quite possible, however, that the Puerto Rican figure is a bit low and the white figure a bit high.

Again, it is easiest to raise some serious question about the PHS data by considering what it implies for the trends among white families excluding Puerto Ricans. The median income in constant 1968 dollars of white families in New York City in 1959, on the basis of census data, was $8,039; according to the Population Health Survey, it was down to $7,540 in 1964. This would mean a *decline* of 6.1 per cent in the five-year period. During this same period, the median white family income in the United States (in constant 1968 dollars) *rose* from $6,742 in 1959 to $7,691 in 1964, or by 14.1 per cent.[7] Because New York—and certainly its white families—shared

[6] Irving Levenson and Morton Silver, *Income Size Distributions in New York City, 1964*. Urban Medical Economics Research Project, Urban Research Center, Hunter College and Office of Research, Health Services Administration, NYC, Feb. 1968.

[7] Bureau of the Census, *Income in 1968 of Families and Persons in the U.S.*, Series P-60, No. 66, December 23, 1969, table 5, p. 20.

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to some degree in the increasing prosperity in the country during these years, one can only say the results obtained from the Population Health Survey are just not plausible. It might be argued that an explanation lies in the out-migration of middle-class and affluent whites; but one must recall that out-migration was at least as heavy during the 1950's, yet the median income of the families who remained in the city rose by over 40 per cent in constant dollars during the decade.

Similarly odd results are obtained when median nonwhite family income for 1959 and 1964 are compared. The PHS data indicate practically no change from $5,441 in 1959 to $5,432 in 1964, both figures in constant 1968 dollars. In the country as a whole, *including* the rural south, the median income of nonwhite families, in constant 1968 dollars, rose from $3,482 to $4,303, or by 23.6 per cent.[8] Further, the PHS figures indicate a *decline* in New York's nonwhite median family income in 1965 and 1966, years in which it rose in the nation as a whole by a total of 14.9 per cent.

Thus, it is safe to say that the PHS data for 1964 substantially underestimate the level of family income and are incorrect with respect to the direction of the change for all ethnic groups in the city. Anyone who starts from this base to estimate the distribution for 1968 is bound to go astray. The Rand Institute estimates published recently in Volume II of *Rental Housing in New York* are unfortunately also based on the 1964 PHS data and suffer from it.[9]

Because the census sample data for the intervening years between 1959 and 1968 are not available to us, it is not possible to trace the changes year by year. But in the light of the improvement in median income between 1959 and 1968 for each major ethnic group (although the largest increase was among the whites), and taking account of general economic trends in New York City and in the country, it is likely that there was some improvement each year, although the rate of progress was not necessarily steady. It should be noted that our analysis stops with 1968. The situation may have changed beginning with 1969 and the first months of 1970. We shall have to wait for the 1970 census data to see what has happened to family income distribution in the city in 1969.

One may well ask at this point why all this "to-do" about some income distribution estimates. The answer lies in the uses to which they are put. They do form the basis for consideration of serious issues of public policy, and wrong decisions can flow from inaccurate data. Thus, the conclusions of Gordon's analysis were that (1) the number of persons *eligible* for welfare in New York City

[8] *Ibid.*

[9] According to information received at press time, Rand Institute will revise their estimates before publication.

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more than doubled between January, 1964 and January, 1968 and increased by another 22 per cent between January and November, 1968; and (2) that despite the tripling of the caseload in recent years, the proportion of the eligible population on welfare has declined, and is still only about half the total eligible. In contrast, on the basis of the census sample data for 1968, I conclude that the number currently on welfare just about matches the number eligible.

Many other issues of municipal policy are influenced by estimates of the distribution of income. For example, estimates of the need for housing at various rental levels can only be made intelligently if they are related to reasonable estimates of the current and projected distribution of families by size and income. Such estimates provide the basis for determining where the most acute shortages are, and therefore, where the municipal and other levels of government should put their greatest efforts so as to encourage the type of housing that would fill the largest gaps. Planning for municipal health services in clinics and hospitals and estimating the costs of care of the medically indigent, can go astray if based on incorrect estimates of the numbers of families in the lower income categories. Indeed, the whole municipal budgeting process for all city services is influenced by the estimates of the size and distribution of income in the city. Decisions about the sums which must be set aside for welfare, for example, influence decisions about the amounts of money which can be devoted to education or to sanitation.

Further, as was stated earlier, income data the best available overall indicator of the economic progress of the city's inhabitants and of the relative progress of the major ethnic groups in the city. It is not a contribution to the health of the body politic to try to sweep problems under the rug or underestimate their seriousness, but neither is it a contribution to exaggerate a problem, and to raise passions unnecessarily by denigrating the progress already achieved. There is enough serious work to do without that. Census data make it crystal clear that black and Puerto Rican families are still far behind the city's white families in achieving a better standard of living. The gap must be closed as rapidly as possible. To do so will require increased efforts at education and training, improved health services, an increased supply of decent housing at rentals the population can afford, the elimination of racial discrimination in employment and housing—*and* an appreciation among all sectors of the population of the significance of family stability in achieving economic and social progress.

The need for reliable data on income distribution in New York is in fact widely recognized among municipal agencies and private organizations, and it was to fill this need that the Population Health Survey began to collect such information in 1964. (It was only more recently, in 1967, that the Census Bureau enlarged the size of the

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sample of households in New York City to the point where it could provide separate data on income distribution in the city.) Unfortunately, as the PHS staff is aware, its past data have serious shortcomings. Part of the problem has been in the way the inquiry about family income was made; the total was not built up from income of each individual in the family, as in the case in the census data. In part, too, the difficulties may be due to the fact that the PHS data are obtained from interviews spread throughout the year and that as the months intervene between preparation of income tax returns and the time of the interview, the response become less precise. (The Current Population Survey conducts *its* inquiry on income in March of each year.) In any event, the PHS staff has had sufficient qualms about the results as to refrain from publishing the income distribution data obtained in the 1965-6 and 1966-7 household surveys.

One has the impression that in a number of different municipal agencies, various groups are struggling to develop income distribution estimates—and at a substantial cost in scarce talent. Why should this be so? Annual data on income distribution for New York City can be purchased from the United States Bureau of the Census at the very reasonable price of $1,000-$1,500, a truly insignificant sum for the City of New York. If it were purchased annually, while it might not permit evaluation of year-to-year trends, it could provide the basis for combining several years of data to allow a comparison with the decennial census years. It would thereby greatly reduce the area of guesswork and would provide all city agencies with a single set of reasonably reliable data on income distribution on which they could base their programs and their budget estimates. To be sure, such estimates might not suit everyone's ideological or departmental predilections. But there is nothing inherently calamitous about that!

Appendix: New York's statistics

The need for up-to-date information on income distribution in New York City—information for the years between the decennial censuses—has called forth several efforts to prepare such data by public agencies and academic institutions. Thus, the Population Health Survey[1] has, since 1964, collected information on family income—in addition to data on a variety of health matters—from its sample of about 5,500 households in the city. Unfortunately, while it has published information on the median income of families by ethnic group for each of the three years, 1964-1966, it has not published the income *distribution* among such families (or of related individuals). For the year 1964, income distribution data were published by the Urban Medical Economics Proj-

[1]The Population Health Survey, originally established in 1963, has since 1966 been carried on by Center for Social Research, at the Graduate Center, The City University of New York, with a grant from the Health Services Administration and the Health Research Council.

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ect associated with both the Health Services Administration and Hunter College. There are some serious deficiencies in those data, however, as I have indicated.

The Bureau of the Census does not tabulate or publish income distributions for an individual city such as New York, even though the sample for the city is sufficiently large to provide a reasonable degree of reliability.[2] The reason is a very simple one—budgetary stringency. It is possible, however, to purchase this data. The Center for New York City Affairs of the New School for Social Research did so[3] and it is this material, on the distribution of incomes of families and of unrelated individuals in 1968, which provides the basis for my analysis.

It should be noted that census data, in common with other income surveys, tend to underestimate family income for a variety of reasons. By definition, capital gains (or losses) are not included, an omission which particularly affects the upper end of the income range. Among lower-income groups, if the earner has had several jobs during the year, he may not remember accurately his total annual wages and his wife, who is generally the source of information for the census taker, may not always be accurately informed as to his total earnings. To minimize this bias, however, the census survey is undertaken in mid-March, when most households are concerned with filing personal income tax returns and have in their possession the various forms from employers, banks, and corporations, etc., indicating the income they received. At all income levels, there is a tendency to underreport income from interest, dividends, and rents, as well as income earned by adolescents or other occasional supplementary earnings in the family. Finally, incomes of the self-employed, whether doctors or street vendors, tend to be underestimated. Thus, according to census analysts, the underestimation of total family income may range from 10 to 20 per cent. Despite these reservations, one must quickly add that the data obtained from the decennial census are the most reliable available and, indeed, are the rock on which any intercensal estimates needs to be based. Further, the data as obtained from the annual Current Population Surveys are more reliable than any other estimate which has been produced so far for New York City. It was assumed for purposes of my analysis that the degree of underestimation in the census data has not changed appreciably between 1960 and 1968, and that the distribution of the underestimation by income class has also remained unchanged. It is possible, however, that the CPS, though based on a much smaller sample, is more accurate than the decennial census because it is carried on by fewer and more highly trained enumerators. If so, the degree of *change* between 1959 and 1968 may be somewhat less than the figures indicate.

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[2]The degree of reliability is greater, of course, for all types of families combined than for the breakdown by white and nonwhite.

[3]Data on the income distribution of families by size of family are presented in "Welfare in New York City," by Blanche Bernstein, City Almanac, February, 1970, Center for New York City Affairs, New School for Social Research.

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CURRENT READING

Our Conflicted Professoriate

Conquest's Law states: the more you know about any subject, and the more personal your involvement in it, the more "reactionary" your opinions will be.

This, or something like it, seems to be the lesson of a recent survey of the American professoriate—who now number more than 500,000—conducted by the Carnegie Commission on Higher Education. According to the April 6, 1970 issue of *The Chronicle of Higher Education*, a preliminary tabulation of this survey revealed the following:

The politics of our professoriate are clearly liberal. Fully 47 per cent described themselves as "left" or "liberal," and another 25 per cent said they were "middle of the road." Only 22 per cent considered themselves "moderately conservative," and a mere 2 per cent are "strongly conservative." Just over half voted for Humphrey in 1968, and just under 30 per cent voted for Nixon.

Professors' political inclinations vary markedly according to their field of study. Almost 81 per cent of American sociologists are "left" or "liberal," while only 5 per cent are "moderately" or "strongly" conservative. Among agriculture professors, 18 per cent are "left" or "liberal" and 49 per cent are "moderately" or "strongly" conservative.

Our professors are strongly committed to the ideal of academic freedom. About 82 per cent believe that professors "should be free to present in class any idea that they consider relevant." An even larger proportion disagree with the statement that "Political activities by students have no place on a college campus." About 74 per cent believe that professors "should be free on campus to advocate violent resistance to public authority," and 73 per cent reject the proposition that "student demonstrations have no place on campus."

The professors nevertheless draw a sharp line between peaceful political action and disruptive protest. Fully four-fifths believe that campus "disruptions by militant students are a threat to academic freedom." Nearly 77 per cent agree that students "who disrupt the functioning of a college campus should be expelled or suspended."

More than half of the American professoriate apparently believe that today's student activism is disruptive in character. To the question, "What do you think of the emergence of radical student acti-

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vism in recent years?" about 54 per cent answered that they disapprove "with reservations" or "unreservedly." (As in political matters, the disciplines vary radically in their answers to this question. Three-fourths of our sociologists *approve* of the emergence of radical student activism, while more than 80 per cent of agriculture faculties *disapprove.*) About 13 per cent believe that student demonstrations have had an effect on their research; 25 per cent say that demonstrations have affected their teaching.

Academic freedom is not the only traditional principle of higher education which enjoys the support of the vast majority of professors. Even though 70 per cent think that "most undergraduates are mature enough to be given responsibility for their own education," three-fourths of our professors nevertheless deny that "undergraduate education would be improved if all courses were elective." Two out of three oppose the abolition of grades. Three out of four oppose any relaxation of normal academic standards in appointing members of minority groups to *faculty* positions.

Still, large majorities do feel that there are some things which should be changed, and some traditional principles which should be risen above. About 70 per cent, for example, agree that undergraduate education would be better if "course work were more relevant to contemporary life" and if "more attention were paid to the emotional growth of students." Almost three-fourths of our professoriate agree that "any special academic program for black students should be administered and controlled by black people," and 57 per cent support the admission of more minority-group undergraduates even if normal academic standards have to be relaxed.

Trouble in Paradise

> The offices of the patriarch of the American radical press are closed and locked. The issues are not wages, hours, and benefits. It's more basic than that. The strikers want to turn the Guardian into a collective, democratically controlled and operated by the workers themselves. . . .
>
> "Off Smith-Beininism!" the pickets demanded. Translations were available.
>
> "Jack Smith and Irving Beinin (the managing editor and general manager of the Guardian) run this paper by themselves," one girl said. "What they call Marxist-Leninism, we call personal fascism."
>
> A man added: "If the Guardian really wants worker control of the means of production, then let it begin right here."
>
> The Guardian is theoretically run by its workers now, with each staff member having one vote in the election of the senior positions and the operational policy of the paper. But there is a four-month trial period for each new employee, during which time his qualifications for a permanent staff job are considered. The strikers feel this probationary, non-voting status results in exploitation of workers. The editors have defended the policy as necessary to screen out FBI informers and other unreliable types before they get the vote, but the strikers don't believe it.

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"It's just a way to keep the workers weak and helpless," a woman says. "Only people who agree with Smith and Beinin get the vote. The others get purged. Or intimidated."

. . . Benin told his side of the story Sunday night. Outwardly calm and betraying little of the emotion he must have felt, Beinin was specific about the causes of the conflict. "The Guardian is a Marxist newspaper, whose purpose is to strengthen and develop Marxist theory and relate it to the people of this country. Their (the strikers) ideology is semi-anarchical terrorism." Beinin admitted that he supported some of the increasingly violent confrontation tactics of the radical New Left, but felt that "they weren't very effective. We share the same objective," Beinin said, "but not the same methods."

On the crucial and, for the strikers, non-negotiable question of worker ownership, Beinin was again specific. "The Guardian is a workers *co-operative*," he said, "owned and operated by the staff." He confirmed that new employees must go through a four-month, no-vote trial period. "This is essential," Beinin continued, "because of the need for political homogeneity. Not all political views are acceptable, so we screen people carefully to determine their politics and then we make our decision. We must do this or the politics of the paper would change from week to week. We do have weekly meetings to which all workers are invited and we encourage a free exchange of ideas.

"But you can't put out a paper by committee. Someone has to make the decisions. The people who make decisions at the Guardian are elected by the staff and are subject to recall at any time. But a vote for everybody would make the paper a revolving door on the operational level. There could be no unified point of view. Basically, the strikers' conception of society is not Marxist. By saying 'we are the people' they are in fact *substituting* themselves for the people." . . .

The Village Voice, April 16, 1970

The End of the Mass Magazine?

For a long time, the instruments of public communication have seemed to be moving along the same road toward the same evolutionary end: bigness and monopoly. The newspaper had shown the way. From having been a cottage industry with a variety of products which aimed at small, specialized audiences, it had become by 1900 a big business in which a network of bureaucratic organizations mass-produced a uniform product aimed at a general mass audience. The newspaper's financial survival depended on its ability to attract advertising; advertisers wanted large and attentive audiences; and so the newspapers, in order to attract such audiences, pitched their appeal to the lowest common denominator. The result was sensationalism and superficiality. The 20th century media—radio, movies, mass magazines, and television—seemed to continue this trend and confirm its logic. Each new medium proved to be bigger business than the one before it; each sought a broader mass audience; and each seemed therefore to be "shallower" in content. By the 1950's, an entire field of sociology dealt with the phenomenon of "mass cul-

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ture" and explained that the commercial media inevitably tended to homogenize and to debase culture, politics, and thought.

This image of the mass media as a homogeneous and homogenizing monolith was never entirely accurate, but in recent years it has become downright false. Except for television and newspapers, which now dominate the mass market, the media are all busily and profitably at work differentiating themselves from one another, staking out special functions and creating specialized audiences. Radio was the first to adapt itself to these new conditions; then came the movies, which now cater largely to the younger and the more affluent. Even television will stop being an exclusively mass medium when—and if—"pay" TV becomes feasible. The causes of this new trend toward fragmentation and diversity are illustrated by the crisis which currently confronts the general-purpose, general-audience mass magazine—especially *Life* and *Look*, both of which may go the way of *Colliers* and *The Saturday Evening Post*. A good account of this crisis has recently been proved by a research report from the Wall Street firm of Oppenheimer & Co. Another useful analysis is to be found in the May 2nd issue of *Business Week*.

The one thing that is *not* wrong with the mass magazines is the size and growth of their circulation. *Life's* circulation in 1969 was 8.5 million, up from 5.6 million in 1957; *Look's* 1969 circulation was 7.75 million and has grown even faster than *Life's*. An average issue of *Life* is read by 37 million adults—more than watch all but the most popular programs on TV.

One reason why *Life* and *Look* have managed to amass such a large following is that they have kept the price of the magazine very low. The buyer of an issue of *Life* pays only about 30 per cent of the cost of putting that issue out; the other 60 per cent is provided by advertising revenue. In a time when production and other costs have been rising rapidly, this pricing policy has put a severe strain on the finances of the mass magazines. *Playboy*, by contrast, receives almost the entire cost of an issue from the buyer; and *Playboy*, as a result, is one of the most profitable magazines in America.

But the central problem of the mass magazines is declining advertising sales. *Life*, for example, suffered a 13 per cent decrease in ad pages in 1969; and from 1964-1969, its total advertising revenues declined by 0.9 per cent, while costs inexorably went up. Both *Life* and *Look* are now badly in the red. Though the causes of this situation are somewhat unclear, all the following appear to be involved.

For reaching mass audiences, many advertisers prefer TV. By some measures TV is a cheaper and by other measures a more expensive medium for reaching the buying public; but whichever may be true, advertisers generally feel that television ads have greater impact than magazine ads. Thus, TV is thought to be a more *effective* advertising medium.

And as compared to the special purpose magazines—dealing into fashions, boating, home-building, sex, etc.—the mass magazines are a relatively *inefficient* advertising medium, even though the special purpose magazines charge higher advertising rates per reader. Mass

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magazines, like television, reach many people who are unlikely to buy a particular product. Advertisers who want to promote products to specialized audiences therefore turn to magazines and other media *with* specialized audiences. Not only do these special-audience magazines "waste" fewer dollars, but advertisers also feel that these magazines have a closer and more positive "relationship" with readers than do the mass magazines.

The mass magazines are responding to this crisis in a variety of ways. They are trying to cut costs, for one thing. They are also experimenting with new types of articles, such as special inserts of sections on food and on movies. But most importantly, they are beginning to fragment themselves by creating a variety of special editions along regional, demographic, and even product-ownership lines. In short, they are moving away from the idea of producing a single, national, mass medium—and toward the idea of producing a *variety* of magazines, with some overlapping of editorial content but with different kinds of audiences and different advertisements.

It remains to be seen whether, as they claim, in the face of mounting skepticism in Wall Street and on Madison Avenue, the mass magazines will manage to keep themselves alive. But even if they do, they will in the process have testified to the power of the current tendencies toward fragmentation and diversity at work in the communications industry.

One World

If there are any doubts that the United States has indeed become a "national society" and that this is one cultural world, the following news item from the Arkansas *Gazette* of Little Rock, May 18, 1970, should disabuse any skeptics:

> The young Republican League of Arkansas called Sunday for legalization of abortion, marijuana and gambling, the abolishment of censorship and the repeal of laws against sexual activity between consenting adults.
>
> However, the League, which Saturday had rebuked the Nixon Administration and called on the President to drop Vice President Spiro T. Agnew in 1972, refused in a stormy conclusion to its annual convention to adopt one resolution praising Senator J. William Fulbright, a Democrat, and another calling for legalized prostitution. . . .

The Gap That Wasn't

> During the past two administrations, perhaps the most important single guide to fiscal and economic policy formulation was the concept of the gap between potential and actual output, as measured by GNP. It was reasoned that when there is a substantial gap, expansionary policies are necessary. When the gap is closed or negative, moderate or restrictive policies are appropriate. Even after several years of expansionary policies, early in 1965 the gap still appeared stubborn and unyielding and in this light, further expansionary policies seemed to be in order. Further measures were, therefore, taken to reduce the gap.

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But while the economic policy makers were trying to wipe out the gap during most of 1965 with fiscal and monetary policy actions, the statisticians quietly and unceremoniously wiped it out with data revisions. Instead of stimulating a sluggish economy, these misguided policy actions had the effect of overheating an already bubbling economy. While there were, no doubt, other important factors which contributed to this development, economic policy would have been better served if the data had been more accurate to begin with and released more promptly. While some revisions will always be necessary, it is obvious from this example that we must not relax our efforts to improve the timeliness and quality of the basic economic statistics that are used in building up the estimates of GNP.

Julius Shiskin, "Strengthening Federal Statistics," Statistical Reporter, February 1970.

The New, New Sociology

From a review by Ellen Frankfort in *The Village Voice*, May 28, 1970.

Maurice Stein's and Larry Miller's "Blueprint for Counter Education" (Doubleday) consists of three charts and a book enclosed in a box, which, according to the blurb, contains "the tools for creating a new educational environment." The book is called "shooting Script," and after apologizing for doing something non-counter-educational like writing sentences (a text which amounts to an *explication des chartes*), the authors state, "We have had considerable experience during the 1968-69 semester teaching these charts . . . and were guided by the feed-back from students working with them." I was one such student of Maurice Stein's at Brandeis and can still remember my reactions before and after the charts were introduced to our graduate course in sociology.

On the first day of class, Maurice announced that the three figures we were supposed to study, Marx, Weber, and Freud, were irrelevant unless we were willing to apply Marx by blowing up campus buildings, or use Freud by analyzing our dreams. Since the classroom lent itself to neither and Maurie saw no immediate application of Weber, we were told that all we had to do was read McLuhan, Mao, and Marcuse, listen to lots of rock, and of course read the *Times* for our daily dosage of fiction, the quality of real life being more fantasy-like than the latest work of black humor . . .

If you did not drop out or become numb from over-stimulation, you could try to experience the non-linearity and non-sequential thought by trying to absorb, almost bodily, the jumps from Luther to a campus strike to Erikson back to Marx and Fuller onto Survey Research and the brilliance of the vision that you could understand society by samplings along with the joy of its failure over to President Johnson's latest statement which was brilliant for its idiocy—in other words, the camp sensibility and that of the apocalypse trying desperately and with endless energy to merge, to synthesize all systems by breaking down all former boundaries, by seeing through systems, by seeing oneself seeing through systems, by trying to step out of the modernist sensibility and into its

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successor with the help of references to others who had tried drawing diagrams along the way in the form of circles, connected madly by convoluted lines and arrows, all attempting to make continuities among different levels of ideas, and forms of ideas and psyches trying to control them, a constant non-stop Hegelian dialectic in the flesh which says on the one hand everything I have read and I have read everything adds up to nothing because the world is more absurd than ever and things more fucked up than ever, and yet I am not really ready to die and feel alive only when I have my copy of the latest important intellectual works, and the *New York Review of Books, Village Voice, Partisan Review, Tri-quarterly, Delos, Ramparts, Berkeley Barb, Rolling Stone,* and on and on and on, some marvelous implosion-explosion of words and names and thoughts and forms of thoughts and systems all coming together and hitting you at once, the mind being slower to take in than Maurie's mouth to give out . . .

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